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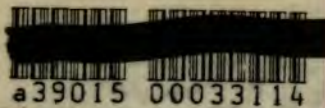
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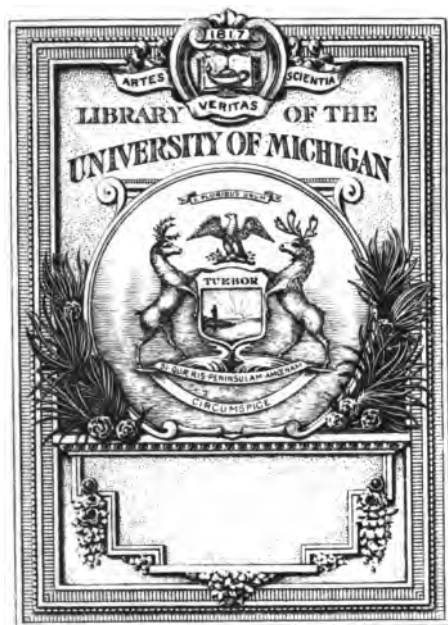
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HISTORY OF TASMANIA.

THE
HISTORY OF TASMANIA:

BY JOHN WEST,

MINISTER OF ST. JOHN SQUARE CHAPEL, LAUNCESTON.

VOLUME II.



TASMANIA:
HENRY DOWLING, LAUNCESTON.

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HISTORY OF TASMANIA.



THE ABORIGINES.

THE ABORIGINES.

SECTION I.

[1643.] At the era of discovery by Tasman, Van Diemen's Land was inhabited. He heard, or thought he heard, the voices of people and the sound of a trumpet: he noticed the recently cut notches, five feet asunder, on the bark of the trees, and he saw the smoke of fires. He inferred that they possessed some unusual method of climbing, or that their stature was gigantic. In the sound, the colonist recognises the vocal *cooeey* of the aborigines, and learns from the steps "to the *birds' nests*," that they then hunted the opossum, and employed that method of ascent, which, for agility and daring has never been surpassed. Thus, during more than 150 years, this country was forgotten; and such were the limits of European knowledge, when the expedition of Cook was dispatched by Great Britain to explore this hemisphere. No navigator brought larger views, and a temper more benevolent, to the task of discovery. To some nations he opened the path of civilisation and religion: to this race he was the harbinger of death.

[1773.] Furneaux, Captain Cook's second in command, first visited this country. He saw the fires of the natives, ten miles off. They had left their huts, formed but for a day, in which were fragments of fish, baskets, and spears. The British deposited gun-flints, barrels, and nails, in payment for the relics they removed; and they left Adventure Bay, concluding that a most miserable race of mortals inhabited a country capable of producing all the necessaries of life, "and the finest climate in the world."

One year before, Captain Marian, a Frenchman, according to the authors of his country, visited this island. The intercourse was hostile and left traces of blood; and to this may be attributed the absence of the natives when Furneaux appeared on the coast.

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[1777.] The descriptions of Cook are founded on his own observations, and are, on the whole, favorable to the natives. The English, while wooding and watering, were surprised by the visit of eight men and a boy. They were unarmed, except that one of them carried a stick, pointed at the end. They were of middling stature, slender, and naked. On different parts of their bodies were ridges, both straight and curved, raised in the skin: the hair of the head and beard was smeared with red ointment. They were indifferent to presents; they rejected bread, and the flesh of the sea elephant, but accepted some birds, which they signified their intention to eat. Cook prevailed on a native to throw the stick at a mark thirty yards distant, but he failed after repeated trial. The Otaheitian, Omai,* to exhibit his skill, fired off a musket: at the report they fled, and so great was their fear, that they dropped the axe and knives they had received.

A dead calm retarded the departure of the vessels next day, and the parties sent ashore, were accompanied by Cook. About twenty natives soon joined them: one, who was conspicuously deformed, amused them by the drollery of his gestures, and the seeming humour of his speeches. Some wore three or four folds round the neck, made of fur; and round the ancles a slip of the skin of kangaroo. Captain Cook returned to the vessel, leaving Lieutenant King in charge: soon after, the women and children arrived: they were introduced by the men to the English. The children were thought pretty; of the beauty of the women the account was not equally favorable. They rejected with disdain the presents and freedoms of the officers, and were ordered by an elderly man to retire—a command, to which they submitted with reluctance.

* This Otaheitian was returning from England to his native country. In London, he was the lion of the day: he was introduced to the first circles, and saw whatever in a great city could elevate his ideas: his manners acquired the polish of society. Grenville Sharpe (he who secured the decision that the soil of Britain gives freedom to the slave that touches it) endeavoured to improve his moral sentiments. He pointed out the practical injustice of polygamy. Omai replied, "one wife, good—two wife, very good—three wife, very very good;" but he had not misunderstood the argument. Taking three knives, he put two of them side by side, and the other at a distance, and referring to a nobleman who had left his wife for a mistress, said—"there Lord A., and there Miss —; and there Lady A. lie down and cry." (Life of G. Sharpe.)

But the moment he landed, he resumed all the customs of his countrymen, and employed his knowledge of arms to destroy them. This was the only trace of his civilisation which survived the voyage: he had seen regal grandeur and mercantile power, but he retained his preference for the habits of his then heathen race.

Dr. Anderson, the surgeon of the *Resolution*, describes the natives as a mild, cheerful race, with an appearance less wild than is common to savages. He considered them devoid of activity, genius, and intelligence; their countenance, he delineates as plump and pleasing.

[1792.] But though later on the spot, assisted by the remarks of previous observers, Labillardière, of all, was the most assiduous and exact. The naturalist of D'Entrecasteaux's expedition, he saw mankind with the eye of a philosopher. He was pleased to examine the passions of a race, least of all indebted to art; yet the prevailing notions of Citizen Frenchmen, perhaps, gave him a bias, when estimating an uncivilised people. He left Europe when the dreams of Rousseau were the toys of the speculative, and before they became the phantoms of the populace. His observations were, doubtlessly, correct; but his grouping is artistic, and not without illusion. In his work, the Tasmanian blacks appear in the most charming simplicity, harmless and content; an extraordinary remnant of primitive innocence. At first they fled from the French: an old woman they chased, took a leap which, if credible, was terrific; she dashed over a precipice forty feet high, and was lost among the rocks!

Labillardière having landed, with several companions, proceeded towards a lake; hearing human voices, they followed the direction of the sound; the sudden cry of the natives induced them to return for their arms. Then proceeding towards the woods, they met the tribe—the men and boys in a semicircle, with the women and children behind. Labillardière offered a piece of biscuit, and held out his hand, which a savage chief accepted, and smiling drew back one foot, and bowed with admirable grace. He gave to the French a necklace, which he called *cantaride*, formed of wilk shells, in exchange for articles of dress, a poll-axe, and knives.

The proportions are worth remarking: in a party of forty, there were eight men and seven women; of forty-eight, there were ten men and fourteen women. Thus the females were most numerous, and the rising generation nearly one-third more than the adults. They were generally healthy; one only suffered from cutaneous disease, one from a defect of vision, and several from slight wounds. It will be told, that a sad reverse was afterwards their fate. The French, supposing they subsisted on fish, expected to find leprosy, and concluded, not that other food was procured, but that the

doctors were mistaken. The women and girls were the fishers : they plunged amidst sea weed, and raised the shell fish from rocks by the spatula. They killed the cray fish before landing. They could endure the water twice as long as Europeans. In the intervals of diving they roasted their spoil, and warmed themselves between two fires ; sometimes feeding their children, or themselves. Thus they continued alternately fishing and cooking, until all were satisfied.

The men seemed indolent ; nothing could persuade them to dive : they sauntered about, with the right hand passed behind, and holding the left fore-arm in its grasp. As the elders moved with gravity on the beach, the girls romped and raced with the seamen—repelling, without resenting, their rudeness. They were sprightly and voluble, and chatted on without intermission. On one occasion they were missed, when, turning to a tree, they were seen perched naked in the branches, about nine feet from the ground : an interesting group, remarks the naturalist.

In the incidents of their social life, he saw their character. The children cried ! their mothers soothed them with those maternal caresses, which art has not improved. They held them to be decorated by the French, and placed them in their arms. A father corrected a little boy for the ancient diversion of throwing stones at another, and the culprit wept ! A lad concealed a basket from a seaman, to amuse by his perplexity and its dexterous replacement ! The clothes given by the French they hung on the bushes, but they valued the tin ware, the axes and saws. The liberality of their visitors induced them to take more than was given ; but they seemed unconscious of offence, and whatever was required they restored without reluctance. A girl, refusing the French a skin they desired to possess, retreated to the woods : her friends were distressed at her ill-nature. She, at last, complied. A pair of trousers were given in exchange ; she stood between two Frenchmen, leaning on the shoulder of each, while they guided her errant legs into these novelties of Europe.

Their refusal of food, for themselves and children, was from distaste rather than distrust ; and they only discovered suspicion, when the French penetrated the country. They posted a guard, to give notice of any movement, and when an attempt was made, it was interrupted by the loud screams of the women, and the entreaties of the men. They resisted the intrusion with displeasure, and even menace.

On other occasions, they tended on the French with great

kindness, removing fallen branches from their path; and

when the ground was sloping and slippery, they walked beside them, and held them up.* They rested every half mile, saying *medi*, "sit down;" then rising again, after a few minutes rest.

They themselves first saw the French: who, having travelled several miles, lay down for the night near a brook: their fires betrayed them. A native, next morning, pointed to their resting place: laid his head on his hand, and closed his eyes. The good-nature of these people never languished: twice, when the French lost their way, they directed them to their ships. They welcomed their visits by raising their hands over their heads, shouting and stamping on the ground. They greeted them as often as their wanderings brought them in sight of the vessels, and with the same friendly sounds bade them adieu.

[1798.] We owe to Captain Flinders and Dr. Bass the next description of the natives. They were saluted by voices from the hills which border the Derwent; one of these they ascended and saw a man, and two women, who, catching up their baskets, scampered away. The man met them with confidence: they tried, in vain, to converse with him in the dialects of New Holland. They desired him to lead them to his hut; but he hesitated, and moved slowly in the direction to which he had pointed. Consulting his apparent feelings they desisted, and parted in friendship. This was the first man they had seen in the island. His countenance, they describe as unusually benignant; his features less negro-like than common, and his manners frank and open. He exhibited neither curiosity nor fear, nor did he seem attracted by any part of their dress, except their cravats!

Mr. Bass made several expeditions into the country, attended only by his dogs, and meeting no inhabitants he concluded that their numbers were inconsiderable.

The accounts descriptive of native customs, by these authorities, are full of errors; but they are the errors of inference, not of observation: it is useless to repeat, in order to correct them. The colonists have possessed better opportunities, and their acquaintance with aboriginal habits supplies more accurate information, than could be expected in the volumes of navigators.

* "But these good savages took hold of our arms, and supported us."

Such as we have given, is their testimony to the social aspect of the native character: nothing unfavorable is omitted. In a people so gentle and affable, it is difficult to recognise the race afterwards covered with sores, wasted by want and vice, or animated with revenge; and who filled the colony with disgust and terror.

SECTION II.

THE party dispatched from Sydney, to take possession of the island, and who landed in August, on their arrival at Risdon saw nothing of the natives. A solitary savage, armed with a spear, afterwards entered the camp, and was cordially greeted. He accepted the trinkets which they offered, but he looked on the novelties scattered about without betraying surprise. By his gestures they inferred that he discharged them from their trespass. He then turned towards the woods, and when they attempted to follow, he placed himself in the attitude of menace, and poised his spear.

On the 3rd of May, 1804, during the absence of Lieutenant Bowen, the officer in command, the first severe collision occurred. Five hundred blacks, supposed to belong to the Oyster Bay tribe, gathered on the hills which overlooked the camp: their presence occasioned alarm, and the convicts and soldiers were drawn up to oppose them. A discharge of fire-arms threw them into momentary panic, but they soon re-united. A second, of ball cartridge, brought down many; the rest fled in terror, and were pursued: it is conjectured that fifty fell.

The accounts of this affair differ greatly. By one party they are said to have assailed a man and woman living in advance of the camp, and to have burned their hut. William White, who saw them earliest, and gave notice of their approach, declared they then exhibited no hostility, and were not near the hut before the collision. They came down in a semicircle, carrying waddies but not spears; a flock of kangaroo hemmed in between them. The women and children attended them. They came singing, and bearing branches of trees.

This curvilinear mode of marching was noticed by Labillardière: they probably assembled for a robbery. "They

looked at me," said the witness, "with all their eye;" but they did not attempt to molest him.

For the British, it may be alleged that customs, afterwards understood, were then less known. They were ignorant of the language and temper of the blacks, and the preservation of the settlement was the first military duty of Lieutenant Moore, who directed the fire. The action was sudden, and perhaps no statement is exact. The natives were provoked, by the occupation of their common place of resort, and it is no discredit to their character, if even they attempted to expel the intruders.

A current report, respecting a conflict on the site of the hospital at Hobart Town, received a curious exposition from the Rev. Mr. Knopwood. It was a tradition, that a party of blacks assembled there, were dispersed by a volley of grape shot, and that several fell. Human bones and grape shot were found; but the reverend gentleman stated that the bones were the remains of persons who came from India, and who were buried there; and that the shot were accidentally dropped when the stores, once kept there, were removed.

The consequences of these events were lamentable. The losses of the natives, in their ordinary warfare, rarely extended beyond two or three; but the havoc of their new enemy awakened irremediable distrust. The sorrows of a savage are transient: not so, his resentment. Every wrong is new, until it is revenged; and there is no reason to suppose these terrible sacrifices were ever forgotten.

In these collisions, no British subject had fallen; but in the succeeding year (1805) a prisoner of the crown was speared, while following a kangaroo; and two years after (1807) another, named Mundy, met with a similar fate. The black had received presents from his hands, and approaching him in pretended amity, trailed between his toes the fatal spear. These facts are given to illustrate the cruelty of the natives; and it may be presumed that, from the slaughter of Risdon, not many could be added to the number. These were, however, the acts of individuals, and without concert or much premeditation. It is conjectured that the first European who perished was Mangé, the surgeon of the *Geographé*, in 1802. The attack was unprovoked, and it is said unavenged.

The scarcity of food compelled the British to adopt a mode of life somewhat resembling that of the aborigines. Germain, a marine, was employed, from 1805 to 1810, in

procuring kangaroo, which he hunted with dogs: he but rarely carried a gun, slept on the ground in the summer, and in the winter on the branches of trees. During his wanderings, he often encountered the natives, but they offered no violence; and he stated, as the result of his experience, that until bushrangers excited them by cruelties, "there was no harm in them." The daughter of a settler of 1804, was left sometimes in their care; their kindness was among the recollections of her childhood.

The prisoners were dispersed. The government, unable to supply the common necessities of life, gave them license to forage: labor could not be exacted, nor discipline enforced; and when circumstances altered, it was difficult to recal the wanderers, or to recover authority so long relaxed. In their intercourse with the natives, licentious and cruel outlaws committed every species of atrocity which could be suffered by the weak in contact with the wicked.

Lord Hobart, under whose auspices the colony was planted, directed the Lieutenant-Governor to conciliate the natives: to preserve them from oppression, and to encourage them to resort for protection to his authority. Their natural rights were recognised, but unhappily no provision was made to define their interest in the soil of their country. Their migratory habits were unfavorable to official supervision, and the success of humane suggestions depended on the doubtful concurrence of ignorant cotters and wandering shepherds.

In 1810, an order was issued by Governor Collins, forcibly describing the wrongs of the natives, and the revenge to which they were prompted. They had pursued an officer, residing at Herdsman's Cove, and failing to capture him they fired his premises. Two persons, George Getly and William Russell, had disappeared: it was supposed, the victims of resentment, awakened by the "abominable cruelties and murders" (such is the language of Collins) perpetrated by the white people. This Russell was himself notorious for skill in their torture—the subject of his boast. The government declared that persons who wantonly fired on the natives, or murdered them "in cold blood," should suffer the last penalties of the law.*

* "The natives, who have been rendered desperate by the cruelties they have experienced from our people, have now begun to distress us by attacking our cattle. Two were lately wounded by them at Collins-vale; and three, it is reported, belonging to George Guest, have been killed at Blackman's Bay. As this tribe of natives have hitherto been considered friendly, the change in their conduct must be occasioned by some outrage on our part. No account having

The official treatment of the aborigines was not always judicious, or calculated to impress the whites with the notion of civil equality. A native, whom it was deemed desirable to detain, was fettered by Colonel Collins. Notwithstanding, he escaped, and was seen long after with the iron on his leg; nor can the punishments inflicted for crimes committed against the blacks, unusual as those punishments were, be given in proof that both races were valued alike. It is not, however, true, that cruelty was always unpunished. A man was severely flogged for exposing the ears of a boy he had mutilated; and another for cutting off the little finger of a native, and using it as a tobacco stopper.*

The natives continued to shun the settlement for many years, but their confidence was easily renewed by gentle treatment; it was, however, capricious, or more probably it was soon shaken by insult, unknown to all but themselves. It was desired by Colonel Davey to establish a friendly intercourse, and he instructed the men to invite the tribes they might encounter. A servant of this governor, employed at South Arm, suddenly came on a tribe of thirty-six persons. A native woman, living with a white, willingly went forth to communicate the wishes of the Governor. They consented to visit Hobart Town, to which they were transferred by water. Davey endeavoured to win their confidence, and they remained about town for weeks. Having received some offence from worthless Europeans, they retreated to their woods, and never returned. This party attempted to reach Brunè Island, and all were drowned, except one woman.

Mr. Knopwood remembered that, in 1813 and 1814, the natives were fed at his door. A number of children were forcibly taken from them, and they disappeared from the camp.

Colonel Davey bears witness to the continuance of cruelty, which he censured in the strongest language of indignation. Certain settlers established a species of juvenile slavery: they followed up the mother, retarded by the encumbrance of her children, until she was compelled in her terror to leave them. Well might the Governor declare, that crime so

been received up to this time of William Russell and George Getley, there can be no doubt of the miserable death they have been put to. This unfortunate man, Russell, is a striking instance of divine agency, which has overtaken him at last, and punished him by the hands of those very people who have suffered so much from him; he being well known to have exercised his barbarous disposition in murdering or torturing any who unfortunately came within his reach."—*The Derwent Star*, January 29th, 1810.

* Eye-witness.

enormous had fixed a lasting stigma on the British name. These provocations produced their usual consequences: by spearing cattle, and other acts of hostility, a tribe at the Coal River revenged the robbery of their children; surely, a slight retaliation for such incredible wickedness.

An expedition to Macquarie Harbour, in 1817, discovered a tribe hitherto unknown. They received the first visit with the usual friendliness—a feeling which was, however, of short duration.

The Oyster Bay tribe are mentioned. They had begun to exhibit that spirit of hostility which made them a terror to the colony, and armed the entire community against them. They had speared one man, and killed another; but the origin of this feeling is distinctly stated: a native had been shot in an expedition to capture some aboriginal children.

Sorell prolongs the testimony that tells so mournfully in behalf of the natives. He speaks of firing on the blacks as a *habit*; that child-stealing was practised in the remoter districts; that settlers had adopted groundless prejudices against the unfortunate people, as alike incapable and unworthy of conciliation; that they offered no serious discountenance to the cruelty of their servants. Thus several whites had perished, and cattle had been speared, in revenge.* He reminded the colonists that, as their flocks increased and the shepherds extended their range, this obvious method of retaliation, then rarely adopted, would multiply the loss both of property and human life. The danger was proved by examples:—In 1819, a collision occurred; a man on each side killed, and cattle and sheep were speared; but, the account continues, the stock-keepers detained and maltreated the wife of a chief. Either on this, or some such occasion, they were pursued by a party of the 48th regiment, and seventeen were slain. He maintains very strenuously the opinion of his predecessors, that the aborigines were not often the aggressors, and that the injuries they inflicted were committed under the impulse of recent provocation.

Sorell provided for the native children, except those committed to private hands by their parents, or retained with

* "ORDER.—From the conduct of the native people, when free from any feeling of injury towards those who have held intercourse with them, there is strong reason to hope, that they might be conciliated. On the north-eastern coast, where boats occasionally touch, and at Macquarie Harbour, where the natives have been lately seen, they have been found inoffensive and peaceable, and they are known to be equally inoffensive, where the stock-keepers treat them with mildness.—March 19, 1819.

the express sanction of himself. There is no reason to doubt, that several of these were orphans, and adopted and reared with the utmost humanity. Among the expenses of the times, it is gratifying to observe one item, in the rental of a house for the entertainment of the aborigines. The sentiments of Governor Sorell are honorable to his character, and cannot be doubted; but we are startled to find, that when charges, so solemnly imputed, must have been founded upon particular facts, no equal punishment seems to have overtaken the crimes proclaimed. The government disapproved of oppression, but it was either too weak, or too indolent, to visit the guilty.

Mr. Commissioner Bigge, who came to the colony 1820, in his voluminous reports, rarely alludes to the natives of these seas. Those of Van Diemen's Land engaged a very small share of his attention, and in two brief paragraphs he describes their character, and disposes of their claims. He remarks, that an act of unjustifiable hostility had awakened their resentment, passes over an interval of sixteen years, and expresses his conviction that no obstacle they could oppose to colonisation, need excite alarm. It is probable, that his instructions would but briefly touch on questions relating to these children of the soil; but considering that the notices and orders of government must have apprised him of their sufferings, he dismisses their case with astonishing indifference.*

Several Wesleyan missionaries visited this island during the years 1821 and 1822. The natives attracted their notice: they described, with brevity, their moral and social state; but they did not intimate the smallest apprehension of their malice.

For several years reference to the aborigines is of rare occurrence. The year preceding the first series of outrages, furnished no incident worth contemporary record. We are reminded, however, that they survived, by an act of equestrian audacity. Mr. Risely, looking down Allan Vale, saw a naked girl dashing off at full speed, on a valuable horse, which she bridled by the tether—the first of her race ever known to gallop. Horsemen pursued her for two days, without overtaking her.

In those numerous publications, which precede 1824, the

* Dual, mentioned by Bigge, was transported from Sydney, for chopping off the right arm of his wife: he said she should "make no more *dough-boy*." The whites persuaded the natives, that the lighter hue of their half-caste children resulted from the too free use of flour.

aborigines are always represented as originally friendly, and only dangerous when excited by cruelty. It was the boast of the times, that the whole island could be crossed in safety by two persons armed with muskets; and Curr, who wrote latest, does not even mention their existence. It is difficult to imagine more decided proof, that at this time the depredations of the blacks were neither numerous nor sanguinary.

It is the general opinion, however, that the remonstrances of Sorell had been attended with some success, and that the settlers and stock-keepers were not unimpressed with his predictions of a more concerted and continuous revenge; nor can we doubt that many persons of humanity even exaggerated this peril, to restrain those brutal natures which are sensible only of personal risk.

SECTION III.

It would be useful to mankind, to trace the causes which led to that long and disastrous conflict, in which so many lives were sacrificed, and a people, all but a fading fragment, became extinct. Among those mentioned by the government, was the admission into the colony of Sydney blacks, and the ascendancy which one of them acquired.

The emigrants of 1822 remember a number of natives, who roamed about the district, and were known as the "tame mob;" they were absconders from different tribes, and separated from their chiefs. They often entered the town and obtained bread, tobacco, and even rum from the inhabitants. Their importunity was troublesome, and their appearance offensive: the eruptive disease which covered their skin, especially on the legs, most exposed to the heat of their fires, added to their squalor and wretchedness. They are thus described by the Rev. Mr. Horton: he saw them at Pitt-water, crouching round their fires, and entirely naked—a company of demoralised savages.

Musquito became their head. He was transported from Sydney to this colony for the murder of a woman. For some time he acted as a stock-keeper; he was then employed as a guide, in tracking the bushrangers, having the keenness of vision, and almost canine instinct, by which in the slightest traces he discovered a certain clue. For this

service, it is said, he was promised restoration to his country—a promise, unhappily, forgotten. He was odious to the prisoners, who taunted him as a *nose* for the hangman; his resentful nature could not brook the insult, and he struck down a convict who thus reviled him. He was then taken into custody; in alarm, he escaped to the bush. The muscular strength and superior skill of this man were supposed to have recommended him to the natives as their chief. He was seen, by Robertson, to cut off the head of a pigeon with a stick, while flying. Musquito answered Mr. Horton with intelligence, when that gentleman represented the misery of a vagrant life; he said that he should prefer to live like the white man, tilling the ground, but that none of his companions would join him. Before he united with the natives, he was accustomed to pursue them with all the virulence of a savage. In company with a convict servant he would face the darkness, and go out “to storm the huts” he had seen in the day. On one such occasion, in spite of prohibitions, he set out at night; but the natives had observed him, and decamped, leaving behind them large fires to deceive their enemy. Returning at midnight, he was mistaken for a Tasmanian black; and, but for discovery at the moment, would have suffered the fate he deserved.

It was said by Mr. G. Robertson, that the first murders of Musquito were committed in self defence. He associated with the Oyster Bay tribe, and his power over them was great: he even prevailed on them to perform some rude agricultural labor. He had high notions of his own worth: he would stalk into the cottages of the settlers, seat himself with great dignity: his followers, to the number of one or two hundred, patiently awaiting his signal to approach.

As the influence of Musquito enlarged, it became more pernicious. He not only misled his immediate followers, but propagated his spirit. Deeds of great enormity were committed at his direction; several by his own hand. He drew a man from his house at Pittwater, by the *cooey*, and then speared him to death. A servant of Mr. Cassidy, and another of Mr. Evans, met a similar fate. In concert with Tom, a Tasmanian black, he became a terror to the colony. Their parties moved in large bodies, and acted under a common impulse. In carrying on their depredations, their tactics aimed at military unity and skill. A party of sixty appeared before the premises of Mr. Hobbs, at the Eastern Marshes (1824): they watched the servants deliver their fire, and before they could reload their muskets, they rushed

upon them, and by weight of numbers drove them off the ground. A few days after, the natives again appeared: a small party came forward first, and reconnoitred; then returning to a hill, they made signals to a body of a hundred and fifty, in an opposite direction. Both divisions bore down on the establishment. The English were now well armed, and maintained the post for five hours; but escaped when they saw the natives prepare to surround the dwelling with fire. Overcome with terror, for several days they refused to return, and the property was left to its fate. Mr. Hobbs was specially unfortunate: his house lay in the track, both of the natives and bushrangers, and thrice in one season his premises were pillaged.

The arrest of Musquito became an object of importance, and Colonel Arthur, then Governor, offered a reward for his capture. Teague, an aboriginal boy, brought up by Dr. Luttrell, was dispatched with two constables. They overtook Musquito at Oyster Bay: he resisted, but was shot in the groin, and being unarmed was captured, with two women, and conveyed to Hobart town.

It was resolved to bring him to justice. By the care of Dr. Scott he was cured, and transferred from the hospital to gaol. Black Tom was subsequently taken, and both were tried for the murder of William Holyhoak and Patrick M'Arthur. Of the last of these offences the Tasmanian was found guilty, but Musquito was convicted of both.

Marmoa, an Otaheitian, was killed with Holyhoak: Musquito had lingered in their neighbourhood, and watched their movements for days; he had visited their hut, and received provisions from their hands; but on the morning of the murder he purloined the guns and removed the dogs. Marmoa fell instantly; but the Englishman endured the misery of long pursuit and several wounds, and dropped at last, pierced through and through with spears.

A murder, ascribed to black Tom, for which he was not put on trial, displayed extraordinary perfidy. This black went to the residence of Mr. Osborne, of Jericho, demanding bread. His appearance excited great alarm: Mrs. Osborne was there alone; he, however, left her uninjured. Next morning her husband ran into the house, exclaiming, "the hill is covered with savages." He stood at the door on guard, and endeavoured to soothe them. "What do you want—are you hungry?" "Yes, white man," said Tom. Mrs. Osborne requested them to put down their spears. Tom consented, if the gun were laid aside: this was done.

On returning the second time with food, Osborne missed his musket, and then said, "I am a dead man." Two blacks came forward, and, as if in friendship, each took him by the hand. At that moment, a savage behind him thrust a spear through his back; he uttered a loud shriek, sprang convulsively forward, and fell dead!

Such were the men who, in February, 1825, suffered death with six European criminals. They were unassisted by counsel, and perhaps the evidence was not fully understood by them. It is useless, however, to extenuate their treachery: and their execution, whether politic or not, can scarcely be accounted unjust. But, unhappily, these deeds of barbarity were not left to the vengeance of the law. The colonists, of higher grades, preserved the distinction between the guilty and the innocent, which it is the object of public trials to establish; but the lower orders, and especially the dissolute and the worthless, justified hatred to the race, and finally, systematic massacre by the individual acts of such men as Musquito.

It is instructive, if not amusing, to observe how nicely the theory of some philosophers and the sentiments of the lowest European robbers, meet together; how, what one predicts, the other executes. The supposed eternal laws of nature are accomplished by the wild license of an English savage. It became the serious conviction of stockmen, that blacks are brutes, only of a more cunning and dangerous order—an impression which has long ceased in this colony, but which still flourishes in Australia Felix.

Bent, the proprietor of the only newspaper published at that time, referring to the outrages of the hostile blacks, seemed to dread these doctrines. With great consideration he detaches Musquito's guilt from the tribes in general: a distinction by no means trite or universally recognised. "Until corrupted by the Sydney natives they were," he asserts, "the most peaceable race in existence." These suggestions deserve more praise than the highest literary skill.

The disposition to conciliate the blacks eventually contributed to the same disastrous consequences. A tribe, of sixty, appeared in Hobart Town, November, 1824: they came in a peaceable manner, their visit was unexpected, and its cause unknown. On the first notice of their approach, the Governor went forth to meet them: he assigned three places for their fires, supplied them with food and blankets, and appointed constables to protect them. They departed suddenly, and on their journey attempted to spear a white man.

Whether the abrupt retreat resulted from caprice or distrust, it did not prevent a similar visit to Launceston in the following December. There were 200 in this party. When crossing Patterson's Plains they were wantonly fired on by the whites, and in their return some of their women were treated with indescribable brutality.* When they reached the Lake River, two sawyers, who had never before suffered molestation, were wounded by their spears. The recent cruelty they had experienced fully accounted for their rage.

It was the anxious desire of the Governor to establish a native institution, deriving its funds partly from the public purse and partly from private benevolence. A code was prepared by the Rev. Messrs. Bedford and Mansfield; and a public meeting held in the church of St. David, the Governor presiding, approved the regulations; but at that time the colony was distracted by the ravages of robbers, and its financial resources were depressed: and the prevailing opinion that civilisation was impossible, still further embarrassed the project, and confined the hopes of the most sanguine to the rising generation. Mr. Mansfield rested his expectation rather on the power of God than upon human probabilities.

The civilisation of a barbarous people is, perhaps, impossible, in the presence of organised communities of white men. The contrast is too great, and the points of contact too numerous and irritating. Never have colonists civilised aborigines; but the failure is easily explained, without recourse to egotistical superstition, that the white man's shadow is, to men of every other hue, by law of Heaven, the shadow of death.

The children of aborigines, adopted by the whites, when they grew to maturity, were drawn to the woods, and resumed the habits of their kindred. A black girl, trained in Launceston, thus allured, laid aside her clothing, which she had worn nearly from infancy. It was thus with many: a sense of inferiority to the youth about them, united with the mysterious interest which every heart feels in kindred sympathies, is sufficient to account for these relapses. Examples will crowd upon the memory of the reader, in which the polish and caresses of the British capital did not disqualify the savage to re-enter with zest on the barbarous pursuits of his forefathers.

The desire for sugar, bread, and blankets, could only be regularly gratified by an abandonment of migratory habits.

* The ruffians who maltreated them were, indeed, punished with 25 lashes!

When remote from the government stores, the natives still coveted what they could not obtain, but as spoil. They had learned to prefer articles of steel to the crystal, and they acquired an imperfect mastery of fire-arms. Some were, however, exceedingly expert; a chief, conciliated by Robinson, brought down an eagle hawk, with all the airs of a practised sportsman. Thus their untutored nature could not resist the temptation created by new wants: they watched the hut of the stock-keeper, which they stripped during his absence; till, growing more daring, they disregarded his presence; and even the populous districts, and establishments of considerable force, were not safe from their depredations.

At the time when they first became formidable, armed bushrangers scoured the colony; sometimes the allies of the natives, much oftener their oppressors.* Outlaws themselves, they inculcated the arts of violence. The improved caution and cunning of the natives, so often noticed by the government, were ascribed, in no small degree, to the treacherous lessons of degraded Europeans. But when the bushranger did not employ these people as the instrument of his designs, by fear or cruelty, often he destroyed them: thus Lemon and Brown set up the natives as marks to fire at. The irritated savage confounded the armed, though unoffending stock-keeper, with his marauding countrymen, and missing the object of his premeditated vengeance, speared the first substitute he encountered. This conclusion is amply supported by facts. The common principles which affect the minds of nations towards each other; the reprisals, which are vindicated in civilised war, only differ in circumstance. A thousand injuries, never recorded, if stated in a connexion with these results, would enable us to see how often the harmless settler was sacrificed to passions, provoked by his robber countrymen.

In 1826, a remarkable instance was brought under the notice of government. Dunne, who at length met the punishment he deserved, seized a woman, and forced her to the hut of Mr. Thompson, on the Shannon, where he detained her with violence; she, however, escaped to her people, and roused them to avenge her. Dunne, next morning, suddenly found himself in their midst: his musket pro-

* Whether from policy or humanity, Michael Howe formed an exception. He did not allow them to be molested, except "in battle;" and he flogged with the cat one of his comrades, who had broken "the articles," by wantonly wounding a native.—Stated by a companion.

tected him, and after hours of such torture as his conscience and fears might inflict, he managed to get off. On the following day, the woman led her tribe, vociferating threats, to the hut in which she had been maltreated, where they massacred James Scott, a man with whom they had lived in friendship for many years, and who, when warned a few days before to be on his guard, smiled at the notion of danger.

The treatment of some of these women was such, as no one can be expected to credit, until prepared by extensive acquaintance with human depravation. A monster boasted that, having captured a native woman, whose husband he had killed, he strung the bleeding head to her neck, and drove her before him as his prize. Had not this fact been guaranteed by formal enquiry, it could only have been admitted as a specimen of brutal gasconade, and in proof of how much a cruel fancy could exceed the actual guilt of mankind. It sometimes happened, that an unfortunate servant would receive the spear intended for his predecessor in the same employ, to whom it was justly due. Among the whites, there were men distinguished for the malicious vigour with which they tracked and murdered the native people. A lad, on his arrival from England, was sent into the interior, and warned never to wander from his dwelling; but he forgot the danger he did not see, and straying a short distance, he was murdered. He had never injured his destroyers; but then he lived on the lands just before in charge of a villain, and who, like a Roman warrior, took his name of "Abyssinian Tom," from the locality of his exploits.

The infliction of judicial punishments, interrupted the friendly intercourse of the tribe that visited Hobart Town, and who were encouraged to resort to Kangaroo Point, where huts were erected for their use. The arrest of two of their number filled them with apprehension. The aborigines, Jack and Dick, were executed on the 16th September, 1826, an event which terminated all present hope of amicable relations. The murder of a shepherd at Oyster Bay, Great Swan Port, was proved against them by the evidence of convict stock-keepers; a topic of contemporary complaint: but the courts regularly relied on the same class of witnesses, and in this case there is no special reason for suspicion. The fact was not questioned: the culprits had been treated with kindness by the government, and efforts had been made by Colonel Arthur to acquaint them with the obligations of British subjects. He asserts that, by personal interviews, he

was fully convinced that they understood the benevolent views of the crown. One of these blacks was so far civilised, as to be admitted to the sacrament of the English church. His companion was a youth, and denied his guilt. The old black was carried to the scaffold, and resisted the execution: the younger, disentangled his arms, and struggled for his life. It was, indeed, a melancholy spectacle. Successive Governors had witnessed crimes against their race, atrocious and unpunished: hundreds had fallen unavenged by that public justice which treated them as murderers.

On the day of their execution, the Governor addressed the colony. He vindicated this act of severity, as requisite to intimidate the blacks; but he solemnly pledged his government to equal justice, and that the law should take its course on individuals of either race, who might violate "the common law of mankind."

The discussions which followed, proved the division of public opinion on the propriety of this measure. It was not clear, to many, that the natives were legally accountable, or that their punishment was just. Grotius and Vattel were quoted; writers, who have discoursed upon the relations of man, and distinguished the felon from the enemy. It was, however, simply a question between judicial and private vengeance: the interference of the court could alone prevent a general proscription. In the heat of anger, no provocation would be weighed—no palliative admitted; and the innocent would perish with the guilty.*

The impression on the aborigines was unfavorable: they saw only the death of an unfortunate countryman, and, perhaps, the last act of the white man's warfare. Its moral influence was not great on either race: it neither softened the resentment of the British, nor intimidated the blacks: it was a mere variety in the forms of destruction. The brother of one of these men led the Oyster Bay tribe, and prompted the murders which, in 1830, filled the colony with wailing.

The rapid colonisation of the island from 1821 to 1824, and the diffusion of settlers and servants through districts

* In sentencing Rodger, at Port Phillip, 1842, Judge Willis told him that he had been tried by an intelligent jury; that he could have challenged any of them; that to say he had never been in a court of justice before, was a common plea with white malefactors, and that he knew as much on the subject as many immigrants. When he was sentenced, the Rev. Mr. Hurst explained to him, that he would be hanged! This was requisite, as the judge's address was utterly unintelligible.

hitherto unlocated, added to the irritation of the natives, and multiplied the agents of destruction. Land unfenced, and flocks and herds moving on hill and dale, left the motions of the native hunters free ; but hedges and homesteads were signals which even the least rationality could not fail to understand, and on every re-appearance the natives found some favorite spot surrounded by new enclosures, and no longer theirs.

The proclamations of the government assumed the fixed relations of the different tribes to particular districts. Oyster Bay and the Big River were deemed sufficiently precise definitions of those tribes, exposed to public jealousy and prosecution. It is true, they had no permanent villages, and accordingly no individual property in land ; but the boundaries of each horde were known, and trespass was a declaration of war.

The English, of modern times, will not comprehend joint ownership, notwithstanding the once " common " property of the nation has been only lately distributed by law. The rights of the aborigines were never recognised by the crown ; yet it is not less certain that they saw with intelligence the progress of occupation, and felt that the gradual alienation of their hunting grounds implied their expulsion and extinction.

Native topography is, indeed, limited ; but it is exact. Every mountain, valley, and river, is distinguished and named. The English have often been indebted to these primitive surveyors, for guidance through the forests which they came to divide. The tribes took up their periodical stations, and moved with intervals so regular, that their migrations were anticipated, as well as the season of their return. The person employed in their pursuit, by the aid of his native allies, was able to predict at what period and place he should find a tribe, the object of his mission ; and though months intervened, he found them in the valley, and at the time he had foretold. Expectations of this sort could only be justified by the regularity of their movements, and the exact knowledge of the guides.* Nor were they indifferent

* " The natives are tenacious of their hunting grounds, as the settlers are of their farms, and are displeased when they find houses upon them. This caused the attack of live stock and huts."—*R. O'Connor, Esq.*

" When a chart of Tasmania is presented to them, it seems only to embody the form and dimensions, which their own fancy enabled them to sketch."—*Tasmanian Journal*—*Rev. T. Dove.*

" It was a great oversight, that a treaty was not made with the natives ; that

to the charms of a native land. A visitor enquired of a native woman at Flinders, whether she preferred that place to several others mentioned, where she had lived at times, and she answered with indifference; but when, to test her attachment to her early haunts, the querist said, "and not Ringarooma?" she exclaimed, with touching animation, "Oh yes! Ringarooma! Ringarooma!"

A chief accompanied the commandant to Launceston in 1847. At his own earnest request, he was taken to see the Cataract Basin of the South Esk, a river which foams and dashes through a narrow channel of precipitous rocks, until a wider space affords it tranquillity. It was a station of his people; precisely the kind of spot which gypsies, on the "business of Egypt," would choose for their tents. As he drew nigh, his excitement was intense: he leaped from rock to rock, with the gestures and exclamations of delight. So powerful were his emotions, that the lad with him became alarmed, lest the associations of the scene should destroy the discipline of twelve years exile: but the woods were silent: he heard no voice save his own, and he returned pensively with his young companion. These examples shew, that the native was not an indifferent spectator of that rapid occupation, which must have appeared prodigious to scattered tribes.

A further cause of exasperation, consequent on the preceding, was the destruction of game. The extent to which it was carried was enormous. The skin of the kangaroo sold for a few pence, was the perquisite of the stock-keepers, and long the chief object of their daily enterprise. Their rugs, their clothing, were composed often of these spoils, and the pursuit did not slacken until the persecuted animal retired. Jeffery, describing the field sports of his day (1810), tells us that flocks of emu and kangaroo were found at short intervals, and that a cart might be loaded with their flesh by the sport of a morning; but he remained long enough, to observe a sensible diminution, and proposed limitations by law to the havoc of the whites; an idea, subsequently entertained by the *Aborigines' Committee*, which sat in 1830. The dogs, trained to hunt the kangaroo, were at first serviceable to the natives, but they often increased the destruction by their spontaneous ravening. It is observed by a

feeling of injustice, which I am persuaded they have always entertained, would have then had no existence."—Sir George Arthur's Despatch to Lord Glenelg, 1835.

writer of 1827, that forty or fifty would be found within short distances, run down by the dogs, and left to rot.

Thus the food, on which the people depended for subsistence, was diminished, and the temptation to rob the settlers was regularly augmented at every return. Sir George Arthur, in his letter to the Secretary of State in 1828, notices this topic as a complaint of the natives against the intrusion of the whites, and seems to admit its truth; but three years after, he affirms that game was still abundant in the districts appointed for the tribes. It is, however, to be observed, that he wrote when the blacks, as a people, were dead; and when the high value of labor had withdrawn many from the chase; and that he implies a local, rather than a pervading abundance. As the natives passed through the settled districts to the sea shore, if numerous, their requirements would be great; but, by scattering themselves abroad, to obtain a sufficiency, their dangers would increase, and every evening they would muster fewer than in the morning.*

Among the causes of enmity, referred to by writers of every period, the abduction of the women by sealers and others, is noticed the earliest, and continued to the last. The sealers were, chiefly, either convicts whose sentences had expired, or such as contrived to escape. In the islands of the Straits, they indulged the boundless license of their passions, blending the professions of the petty pirate and the fisherman. A chain of rocks enabled them to rove to a considerable distance, picking up the refuse of the sea, and feeding on the aquatic birds which frequented the islets in great abundance. Many, however, perished, with the frail boats to which they committed their lives. Their first stage was known as "Clarke's Island;" from thence they made "Preservation Island:" a succession of rocks formed land marks in their course to New Holland, from which many found their way to Kangaroo Island, the Ultima Thule of their geography. In these places, they engaged in sealing; the produce of which they sold to the small craft trading among them, for guns, spirits, and tobacco. When the season was over, they

* "The extension of the settled districts upon their usual hunting grounds, has either driven them entirely from them, or removed the kangaroo. They are quite disappointed of their usual supplies. We have never known them to eat the flesh of either sheep or cattle."—*Courier*, 1830.

The extent of their consumption, might be inferred from the increase after their exit. To preserve their crops, some settlers were obliged to employ hunters. In 1831, from Bothwell only, 100,000 skins were sent to Hobart Town, bearing a value of £2,000.

retired to the interior, and passed their days in alternate slumber and intoxication.

So secure were some of these retreats, that they justified the apprehension, that formidable pirates would be trained up in their lawless and licentious communities. They were perpetually disturbed by violence. One old man spent thirteen years on an island, alone. He cultivated a plot of ground, and sold the produce to the boats which floated about. Several times robbed of his crops and clothing, by these contemptible spoilers, he, at last, was compelled to renounce his rude independence. In King's Island, families sat down; but Colonel Arthur, sensible of the great danger of these associations, sent the harbour master to the Straits, who arrested absconders, and released native women from slavery.

By these men, the black women and female children were captured in excursions to this island, and were liable to the ill-treatment, which might be expected from men who regarded them with passion and contempt. They were employed as slaves on some islands, to strip the mutton bird, and in whatever irksome labor was within their capacity. It is said that one man (Harrison), had fourteen women in his service, whom he flogged with military severity, and some of whom he put to death.

Boatswain, an aged woman, stolen in her youth, related the manner of her abduction. She was induced to enter a boat, without suspicion of the design, when her captors rowed away, and confined her on an island in the Straits. She told her treatment, in broken English and expressive pantomime; first spreading forth her hands, as if fastened to the wall; then, with loud cries, gradually becoming fainter, she fell down into a pretended swoon: thus describing the mode and severity of her torture.

These men acquired an extraordinary dominion over the fears of the women, sufficient to induce them to dissemble in the presence of strangers. Backhouse relates, that two girls, Jumbo and Jackey, pretended, while in the company of their masters, either by silence, or feigned anger, to resent the proposal to take them away; but when they were assured that their liberty would be protected, they embraced it with joy.

Jeffreys, whose narrative is tinged with romance, depicts the fondness and contentment of the women in lively colors. Glad to escape the tyranny of their countrymen, they displayed to these amiable white men, warm, though jealous,

affection ;—whose occasional absence they regretted, and for whose speedy return they invoked some imaginary deity in plaintive melodies ! It is not improbable, that they were sensible of kindness, but it is very certain that this was not their ordinary lot. Unanimous testimony permits no doubt that they experienced the severity, which men of low intellect, and of fierce and capricious passions, inflict on women of an inferior race.

The sealers, when they came to the main land, rarely brought their captives : they were in danger of losing them. Their fickleness or revenge, was sometimes fatal : in 1824, a party, engaged in an expedition to entice the girls of a tribe, took with them one who had a half-caste infant, and sent her on shore as a decoy. She returned, bringing promises from her countrywomen to appear the following day ; but at that time the blacks descended in great force, and all the adventurers, except one, were slain.

The sealers, by the names they gave the women, which were rarely feminine, and were sometimes ludicrously absurd, indicated the notions which prevailed. However slight their apparent importance, it has been justly observed, they betray the low civilisation of the persons who invented, and the degraded condition of those who bore them.

The intercourse of the stockmen was generally confined to the periods of migration : sometimes with the connivance, at others, the express consent of the men ; but the detention was often compulsory. Dr. Ross found a stock-keeper seated on a fallen tree, exhausted with hunger. He had chained a woman to a log, “ to tame her ;” but she escaped, with his only shirt, which he had bestowed in his fondness. For five hours he had pursued her, catching glimpses of his shirt through the breaks of the forest : at last, this signal disappeared ; and having lost his way for two days, he was in danger of starvation.

Such were the various causes, which combined first to alarm, and then to goad into madness, this unhappy people. They were troublesome, and were repelled. Wantonly wounded and shot down, they retaliated. Fresh wrongs produced their kind : at length, every white man was a *guerilla*, and every black an assassin. The original temper of both parties was changed. Dread detestation and treachery embittered every mind : even the humane yielded to the general sentiment. It became a question, which race should perish, and every man’s verdict was in favor of his own.

From this, however, it is not to be inferred, that the natives were originally treacherous and cruel. It was stated by the Aborigines' Committee, in the middle of the conflict, that such dispositions were the substratum of their character, which, though disguised, only waited for time and opportunity. The colonists in general, at last, believed them to delight in blood, by an innate cruelty of temper—to find pleasure in the terrors they excited, and the convulsive agonies of the dying; but the records of mankind are full of such moral transformations. The Indians of America, we are informed by Dr. Dwight, became corrupt, to a degree "enormous and dreadful: full of malice, cruelty, and murders." But he himself, elsewhere remarks, that within his observation white men, commonly sober, moral, and orderly, on joining a mob, lost every one of these qualities; and, in a few hours of excitement, exhibited more vice than he had witnessed for years. The causes of degeneracy are not examined, when its mischief is suffered. Sir George Arthur, in his despatches, asserted that the natives were, and had been, "a most treacherous race,"—a view, which the Committee adopted: these opinions were afterwards greatly modified; nor would it be just to admit their truth, without stronger evidence than history affords. Among the aborigines, some were distinguished for ferocity: such was a woman who led on the Big River tribe, and who was called by Mr. Robinson, the "Amazon." A few were guilty of the crimes imputed to the race: and who were often their oppressors, rather than their avengers.

Though individuals, undoubtedly, displayed the vices imputed, who will condemn the natural disposition of a people for actions committed at long intervals, by solitary assassins and marauders? The English alone could preserve a record of the past, and after a careful examination no other conclusion is possible, than that whoever continued acts of ferocity and cruelty, the impulse and the example were European.

Dr. Ross, arriving in 1822, passed into the interior, and settled on a farm. He was soon visited by the natives, whom he entertained with the consideration due to their ignorance and their rights. They had kindled their fires in perilous contiguity, and the flames threatened to destroy his crops. He pointed out his danger, and they instantly combined to extinguish the flame, and transferred their temporary resting place to a spot, from which no harm could be communicated. Dr. Ross stood by, and watched their cookery, and they offered him a part of their food: he

suffered himself to be amused with their loud merriment, and their evolutions in the water. They often renewed their visits, and rather contributed to his safety, by assisting in the pursuit of white robbers: and even when they inflicted dreadful outrages on many others, provoked by extraordinary mal-treatment, they still preserved their kindness for this amiable man, until they were finally removed to Flinders' Island.

These incidents were not uncommon:—the cross lights, which seem to exhibit variously the character of a race, but in reality identify the family of man. To judge of a people, during a season of extraordinary excitement, must tend to erroneous conclusions: thus, when we turn to contemporary writings, we are amazed at the ferocity of expression—the sweeping and sanguinary appeals, by which they are disfigured; but this astonishment is corrected, when we examine the incidents they record, and recollect how little qualified men are to reason, when they are doomed to suffer. So with the native: the delirium of rage, and the taste for blood, had been produced by causes of long operation; and he appeared to be a fiend full of mischief and spite, marked out by his crimes for utter extinction.*

SECTION IV.

THE violence of the natives seemed to require some extraordinary means for its repression, and (in November, 1826) it was resolved to capture the leaders, by the usual methods of arrest. The magistrates were authorised, by the Governor, when danger was feared, to drive them to a safe distance by force: to repress their attempts at disturbance, by treating them as rioters; to seize those charged with felonies, whether known by marks or by names, or by the denomination of their tribe; and any person was authorised to raise the neighbourhood, on witnessing the commission of a crime. This notice was renewed the following year, and the military

* "Unless the blacks are exterminated, or removed, conciliation is in vain. Shall the sons of a country give way before the aborigines, *after having repulsed the arms of France?* They are now shot, with as little remorse as so many crows!"—*Col. Advocate*, 1828.

stationed in the interior, were instructed to render such assistance as might be necessary, for its practical application.

But these measures were not attended with much success, and in April, 1828, the natives were forbidden to enter the settled districts of the colony. They were permitted to pass through them, when on their passage to the shore, provided their chiefs guaranteed their quietness, and possessed a pass under the hand and seal of the Governor. A line, drawn from Piper's River to St. Patrick's Head, separated the regions allotted to them on that side; another, included Tasman's Peninsula; a third, southward of Mount Wellington to the ocean; and the fourth, from the Huon, by Western Bluff, south-west to the sea. Thus the proclamation cut out the centre of the island: a square at the north-east, belonged to the Van Diemen's Land Company, and others; southward, from Ben Lomond, including most of the rivers, plains, and lagoons. Into these, they were forbidden to intrude. There remained, the forests of the south-west; the western coasts, where the skies for ever weep; and the barren shores of the north-east. To drive them on these regions was the duty of the forces, and their employment for years. The natives returned regularly with the season, like birds of passage—avenging the losses of their last retreat: they retired at the usual time—diminished, but unsubdued.

In looking at these orders and proclamations, it is impossible to regard them in any other light than as plans of military operation. That the natives would surrender to a warrant or a challenge; that they would remain in remote regions, from which they had always been accustomed to come forth; that their chiefs had power to enforce the mandates of the Governor, or that they would preserve an official document, they could neither read nor understand—these were contingencies which, though desirable, were certainly not probable. The precise and legal language of the instruments, provoked much ridicule, and might justify a smile. They were chiefly dictated by a gentleman, whose mental aberration led to his removal from office. It is, however, difficult to suggest more explicit forms, and the announcement of the plans of government was a proper preliminary to their execution.

It was the desire of the Governor, earnestly expressed, to protect the settlers, and yet to mitigate their resentment. The use of arms was forbidden, while other means were un-

tried, and rewards were offered to any person who might venture into communication with the natives, to explain the objects of the government. They were invited to seek redress of their grievances; and pictures were suspended in the wood, in which the white man was represented shooting the native, and the Governor hanging the white.

These remedies were, however, ineffectual; and in November, 1828, the settled districts were placed under the protection of martial law. Nine parties, under Messrs. G. Robertson, Batman, and Jorgenson, consisting of seven persons each, and assisted by the military when requisite, were employed to enforce the proclamation. Mr. Anstey, the magistrate, directed the operations in the centre of the island, and volunteers not unfrequently joined in the repulsion or pursuit of this unhappy people.

The celebrated chief, Eumarrah, was captured by Mr. Gilbert Robertson, in the Eastern Marshes, in 1828. This euphonious name, which so interests the ear, it is said, was a corruption or improvement of the name of a colonist, Hugh Murray, and adopted by the savage. A strong party, consisting of military and constables, surrounded the hut, in which this chief and others were sheltered. Five furious dogs rush towards Mr. Robertson, the foremost of the party: having fired off his piece, and seized a lad scrambling away, by him he was directed to a sheet of bark, under which Eumarrah was concealed. While prostrate, a shot was fired at him, which inflicted a flesh wound, and the musket of a soldier was broken by beating him. Such is Robertson's indignant account of his capture. With the chief, three others, Jack, Dolly, and Jemmy, were taken: the portrait of the last has rather an innocent expression, and has been honored with publication. This party, removed first to Richmond, and then to Hobart Town, soon appeared reconciled to their captivity: all, but Eumarrah. He was pensive and reserved, and, for a time, resented his bondage. It is said, the outrages he had committed, would have forfeited his life, had not his captor earnestly maintained that he was a prisoner of war; and that to put him to death, would be to equal his crimes.

The expeditions were attended with the same general incidents, and it would be tedious to multiply examples. The number of prisoners was lamentably disproportioned to the many that perished. To identify a particular offender was impossible, nor was it of much importance, since the natives now were animated by one spirit. The amazing

agility with which they moved ; their magical powers of self concealment ; their destitution of dress, the greasing of their skin, and the vigilance of their watch-dogs, rendered it nearly impossible to seize them in open day.

An alarm would be given, that the blacks were approaching, and a party, commissioned to repress them, would immediately advance ; often blundering and incautious, shouting, smoking, and straggling about ; carelessly firing their pieces, and affording abundant information of their approach. Thus, after a fatiguing march, the natives, whom they were sent out to meet, would be observed in their rear, having already committed the premeditated depredation. Not that it was easy to elude their observation, if they were conscious of pursuit, and it was nearly impossible to overtake them.

Mr. Gilbert Robertson, after capturing Eumarrah, was twelve months without success. One tribe he followed with pertinacity, were not far off through the whole chase. Their fires were visible : they were, for several days, on the hills, not more than four miles from the British ; but they “ beat round and round, like a hare.” A tribe, after a hot pursuit, concealed their tracks, and suddenly vanished. They regularly posted sentinals : passed over the most dangerous ground, and, on the margin of fearful precipices : they would lie down beside a log—stone dead, and could not be distinguished from the charred fragments of the forest. Those who imagined that their eyes had never been averted, would yet lose sight of the subtle enemy. They could not catch them, except by stratagem ; or, when they were caught, they could not hold them.* The few captives that were obtained, when they thought proper, easily made their escape. They confined them in a room : next morning, they had passed through the flue into the open air, and freedom.

The extreme difficulty connected with their arrest by day, led to their rapid destruction. The pursuers would watch, as the evening gathered in, the thin smoke of the distant fires : they would cautiously advance, and conceal themselves till midnight. The superstitious terror of the black, prevented

* A party, under Major Grey, went out in pursuit : overtook a few blacks ; one was seized ; but he was so smeared with grease, that he slipped through the hands of his captors. A paper of the day recommends, that the arms of the pursuer be thrust under the arms of the black ; and, the hands being raised, to be firmly clasped over the back of the fugitive's neck—an expedient, that reminds us of the salt specific for catching birds, with which most children have been delighted and disappointed.

his wandering from the camp, lest the evil spirit that haunted the darkness should carry him away. Thus, stretched around the fire, the natives were easily seen, and musketry told with terrible effect. Their dogs, instead of promoting their safety, sometimes led to their sacrifice. A party, preparing to surround and capture them without bloodshed, would move with quiet steps, without giving notice to the aborigines; but just when all was prepared for the last movement, some cur of ill omen would start up, and rouse them. They would seize their spears and attempt to flee; and the whites, now disappointed of a bloodless capture, would commence the slaughter.

In 1828, a tribe of natives threw stones at the constables, from a hill. They returned a volley of shot; then charged with the bayonet: the whole were slain. The excuse for the massacre was, that having no more ammunition, the constables had no other means of defence, and that to retreat was dangerous. An exploit, claimed by a corporal and party of the 40th regiment, is disputed. They professed to have discovered a tribe lodged on the shelf of a rock, inclosed by wall-like heights. They poured in their fire, and dragged the women and children from their shelter: all perished. This was stated to be a mere tale of pretended success, and devised to satisfy the neighbourhood, that the men had done their duty. It proves, at least, that such achievements were in request. How fearful a condition for the government to tolerate, or for a colony to approve.

In these expeditions, natives were often the guides, and were enabled to follow up the track of their countrymen, when the English were confounded. In those troublesome times, individuals of the tribes were often left behind. It was the custom to fix small pieces of stick at short distances, to assist the stragglers in rejoining their main body. For a time, these signals being understood by the black guides, brought them quickly on the route of the fugitives; but the guides soon betrayed or exhausted this device, and though they continued to leave direction sticks, they reversed their meaning, and distracted their pursuers.

The Tasmanian allies themselves, were exceedingly uncertain, and prone to escape. They disclosed to their countrymen the plans adopted for their capture, related the expeditions they had witnessed, and added new excitements to rage. Sydney natives were obtained, to assist in the capture: Pigeon and John Crook, under the care of Mr. Batman, promoted the success of the undertaking. Pigeon

narrowly escaped being shot : he wandered from his party, and was seen by a stockman in a tree, who fired, in spite of his endeavours to explain. Pigeon then slipped down, and reached his friends, only in time to avoid the second charge of his pertinacious antagonist. The story is worth relating, not on account of the actors, but because it displays how cheap, at that hour, was the life of a native, although peaceably living in the forests of his country.

Among those distinguished for the knowledge of the bush, compassion for the natives, and skill in pursuing them, Mr. Batman was the subject of frequent and approving mention. It is said by Backhouse, that his parties killed thirty, and captured five. Occasionally, natives were found in the neighbourhood of Ben Lomond. In one instance, it is recorded, that ten fell, and that two were taken ; and in another, that forty received the fire, and left behind them trails of blood, but no captives. On another, fifteen or sixteen were said to fall, out of a party of seventy : three hundred buck shot were poured into an encampment, at twenty yards distance. It would be endless to recite conflicts of this kind : they probably were but a multiplication of a short bulletin, referring to an expedition—" *five shot, and one taken.*" Looked at alone, even in the mildest form, these measures are revolting ; but to Mr. Batman belongs the praise of mingling humanity with severity : of perceiving human affections in the creatures he was commissioned to resist. His mission cannot be compared with that of his successor, but he certainly began in the midst of conflict and bloodshed, to try the softer influences of conciliation and charity. He received a party into his house, endeavoured to win their regard ; fed, clothed, and soothed them ; and when some of them disappointed his hopes, by throwing off their garments and retiring into the bush, he still persevered in attempting their reclamation.

But if the authorised system was attended with a sad sacrifice of native life, no one will question the atrocities committed by *commandoes*, first formed by stock-keepers, and some settlers, under the influence of anger, and then continued from habit. The smoke of a fire was the signal for a black hunt. The sportsmen having taken up their positions, perhaps on a precipitous hill, would first discharge their guns, then rush towards the fires, and sweep away the whole party. The wounded were brained ; the infant cast into the flames ; the musket was driven into the quivering flesh ; and the social fire, around which the natives

gathered to slumber, became, before morning, their funeral pile.*

A detail of such facts, is in the hand of the writer, the recital of which would disgrace, without improving mankind; and it is rather in deference to a general principle than personal considerations, that the crimes of amateur assassins are left to oblivion.†

SECTION V.

HOWEVER just these representations of individual conduct, and with whatever severity the measures of government bore upon the aborigines, that unhappy people afforded ample reason for apprehension, and even abhorrence. Their crimes were fearful, and the effect of their outrage on the colonial

* In the western districts, the stockmen were usually mounted. When they saw the natives, these armed murderers galloped after them, and delivered their fire without danger to themselves.

An estate is called "*Quambys*:" the name is a cry of distress and entreaty, and signifies, *spare me!*. It was uttered by a black, who was found there, when imploring compassion; as the supplication is remembered, perhaps not then in vain: but mercy was rarely shown. A volunteer party discovered a tribe in a valley, surrounded by steep mountains; from the heights they poured down a volley of musketry, and then heaped the slain on the ashes of their fires. Another party overtook a tribe who had displayed a hostile spirit: they were on the banks of a lagoon, and all around were plains; escape was hopeless. They rushed into the water; as their heads rose above the surface, they were shot. These are specimens which rest on authority not to be disputed.

The slaughter of thirty aborigines, in 1838, at a remote station in New Holland, instanced the cool deliberation with which they were too often sacrificed. The deed was planned several days before, and the leisure of the sabbath was employed for its perpetration. The seven murderers had been all prisoners of the crown: a subscription was made for their defence; but in spite of strong sympathy in their behalf, they were sentenced to death, and ultimately executed. There had been no provocation: being on horseback, they surrounded the natives, who were reposing beside their evening fires. These ran to the hut of one of the assassins, with whom they had lived on terms of amity. There they were bound, and, amidst their groans, cries, and tears—men, and women with children at the breast—they were led off to a spot selected for the immolation. Great pains were taken to conceal the crime; but through a fall of rain the day preceding, their tracks were visible, and birds of prey attracted attention to the slaughter! The strongest suspicion existed, that the murderers were the miserable agents of persons still more guilty.

† The Aborigines' Committee observed, "that an opinion was gaining ground in the colony, that small parties should be formed by the settlers, for the extirpation of the blacks; an idea, which they contemplated with horror." It was more than an opinion—it was a terrible reality.

mind can only be imagined. The fierce robbers, of European origin, who had infested the land, were not half so terrible : these were at least restrained by early associations and national sympathies ; often by conscience, and even by each other. But the natives now united the antipathy of a national foe, and the rapacity of a banditti, with the spite of individual revenge : they were at once a people in arms, and a distributed band of assassins.

The correspondence between the local and imperial authorities exhibits the feelings of the Governor, and his full consciousness, that however necessary his proceedings might seem on the spot, surveyed from the distance, they would wear the aspect of cruelty. In 1828, he apprised Lord Goderich, that the proposal to remove the natives from the island, had not met his concurrence ; and that the commissioners for lands had pointed out the north-east coast as adapted to their wants, well sheltered and warm, abounding with game, accessible by water, and easy to guard. It was stated by Colonel Arthur that harsh measures were demanded by the colonists ; but that he could not dismiss from his recollection, that the whites were the aggressors, and that every plan should be tried before treating the natives as accredited enemies. Three months after, he forwarded another communication, which referred to the murders recently committed, and justified the proclamation which he had issued for their expulsion. So exasperated were the settlers, that the safety of the blacks themselves seemed to demand this precaution. He had, however, found it impossible to assign one district, owing to the animosities of the tribes against each other, and therefore he resolved to expel them to the remoter portions of their several territories. In two other communications of the same year, the Governor reported the temporary retirement of the natives, in search of marine subsistence, and their return from their winter quarters in the November following, when their animosity had not abated : a dark catalogue of murders, including every age, condition, and sex, attested their subtlety and sanguinary spirit. He still declared that no means were neglected to conciliate and reclaim them, consistent with the interests of the colony at large ; but their indiscriminate attacks were equally directed against their benefactors and their enemies. Communication had become difficult, a risk of life, and almost impossible.

These statements are, unhappily, sustained by ample proof. It would be a waste of time even to condense, in the

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most succinct relation, all the incidents that occurred. Narrative is tedious by the monotony of detail, and the events themselves were recorded by those who witnessed them, with ominous brevity. Such crimes were of daily occurrence; perhaps sometimes multiplied by rumour, but often unheard of and unrecorded. The perils of the stockmen were constant: many of them were repeatedly wounded; and one, named Cubit, was nine times speared, and yet survived. Death assumed new forms daily: the poet of the Iliad did not describe more numerous varieties, in the slaughter of his heroes.

The shepherd went from home in the morning, attended by his dog, and armed with a gun, now unavailing for his defence: he never returned. Had he escaped to the bush? Such a step was improbable. His employers are soon informed that the blacks have been near; that the sheep have been wounded, or beaten to death. The search now becomes diligent: at length, the melancholy reality is clear; they find a mutilated form, which still preserves sufficient proof that the lost shepherd lies there. The sad catastrophe excites the compassion of the master; but it provokes the fellow servants to rage, and they devote themselves to the destruction of the murderous race.

The little child strays outside the cottage of her parent—fresh as the morning, and warmed with the hilarity of young life: a shriek is heard to succeed quickly the loud laugh of pleasure. The mother rushes forward; sees a black boy fleeing in the distance, and then beholds the victim of his malice: she draws forth the spear, and her child is dead.

The settler, now grown rich by his flocks and tillage, looks forward to the enjoyment of his opulence in domestic happiness. The companion of his early labors and privations forms the chief object in the picture; but while he was dreaming of future bliss, the envious eye of a savage, which had recognised in that prosperous homestead a station of his fathers, had glanced over and blighted all.

Those who were compelled to travel from home, left their families the prey to inexpressible anxiety. Every moment of delay awakened new forebodings. Often would the settler see his wife and children, on some prominent spot, the subjects of fears which required no interpreter, shading the eyes in the attitude of earnest attention; and when they caught the first glimpse of his approach, the rushing together, and marks of gratulation, indicated the gladness of watchers,

whose painful task is done. To appear in safety, was a new though daily deliverance.

But if such were the fears at home, the traveller himself was not free from perturbation. He would neglect the common dangers of a rocky descent, and "sidling" way, to guard against perils far more dreaded: he would often pause, to listen; the moving of the leaf, would terrify him. He would hear a rush—it was but the cattle: he would gaze steadfastly at some black substance far off, until convinced that it was the stock of a tree; then reproaching his fears, he would gallop on rapidly—then moving round some overhanging rock, he would see savage faces and poised spears! Retreat is now impossible: he spurs his horse, which seems almost to be conscious of danger, and perhaps reaches his home exhausted with fatigue and dread; happy, however, to have been once more preserved.

Nor is it possible to describe the emotions which were wrought up, by the consciousness that a feeble woman and helpless children were exposed to the clubs and spears of the savage. Men know, when they pass their threshold, that the ties of life are uncertain, and that desolation may blast whatever they leave tranquil and beloved; but there was an intense realisation of this hazard, in those parts of the colony where protection was least accessible.

Death, by the hands of a savage, is indeed invested with the darkest terrors: it was rarely instantaneous—it was often the effect of protracted torment, and of repeated blows: often, after a long pursuit, in which hope might occasionally gleam for a moment, to render death to the exhausted fugitive more distinct and terrible; or, perhaps, at once wounded mortally and prostrate, when the rush of early affections and long forgotten truth and brief supplication would come with that swoon, by which nature sometimes ushers in the fatal moment; the dying man would be roused by infernal shouts, and there would swim before him brandished clubs, and horrid visages distorted with demoniac rage. Such were the recollections of some who recovered; and such, we may be assured, were the emotions of many that died.

Comparatively, the natives did not frequently injure women and children; partly, perhaps, that they were less exposed, and partly from natural compassion. Thus, when the house of Clarke was destroyed by the Big River tribe, and its owner perished in the flames, the woman with him escaped with her clothes ignited—ran to the savages, and fell down upon her knees, imploring their pity. One of their number

extinguished the flames, and bade her be gone. It may be doubted, if this instance of compassion always found a parallel in the conduct of the white. About the same time, a wretch boasted to Mr. O'Connor, that he had thrown a native woman on the fire, and burnt her to death. The equity of Providence seems vindicated by the fact, that he perished by the spears of the race, who watched him continually, until he fell into their power.

Long after the pacific mission of Robinson, it was found necessary to restrain the wanderings of the women, to prevent their sacrifice to white vengeance. But, on the part of the natives, there were not wanting fearful examples of implacable and treacherous violence. Such was the murder of Mrs. Gough and her children. In 1828, about twenty men, unattended by their families, had re-appeared in the centre of the island, and approached the neighbourhood of Oatlands: they attacked the cottage of one Moor, as a feint, and thus drew off the husband of the unfortunate woman, to the assistance of his neighbour. On returning, he met his daughter, with the sad intelligence, that children and wife were murdered, and that she only had escaped. He found the mother leaning against a fence, covered with blood: "Dear Gough," she said, "it is all over with me; the blacks have killed me!" He endeavoured to staunch her wounds; then hastened to his children, and found them, not dead, but dying. The blacks had inflicted reiterated blows, and answered entreaties with threats of murder. Mrs. Gough was shortly afterwards laid beside her children. The attack was more fierce, and yet deliberate, than common: but not long before, some stockmen at the Lakes requested two women to ascend the trees: while there, they shot them. It is necessary to add, that the women sometimes approached the huts, as spies, or such actions would be incredible.

The government and the press complained repeatedly, that no regular resistance was offered to the depredators; that the settlers did not instantly pursue, and, by combined efforts, intimidate or destroy them. It was said, that they easily forgot the danger, so soon as the blacks had withdrawn, and abated even the ordinary vigilance, which such formidable enemies might inspire. Thus, the slaughter of a shepherd had become too frequent to produce much sensation, and was set down as a common risk of colonial life. When they heard that a servant was speared, they would exclaim, "Ah! is he killed? poor fellow!"—and having

brought in a verdict of wilful murder, they left him to the forgetfulness of the grave.

It was said, that as the passenger approached the towns, he found the anxiety of the people diminished, and their feeling revolutionised. In the interior, the blacks were spoken of with intense fear, and detestation : in the capital, even their depredations were questioned, and the subjects of conversation, were rather their sufferings than their crimes.

Governor Arthur strongly censured the negligence of farmers ; but this was rather to arouse them, than to decide finally the fact, or culpability of their inaction. In truth, the pursuit of a party of aborigines, was a very hopeless affair : it required a minute preparation ; and to a well fleshed, and not perhaps youthful yeoman, was attended with vast fatigue, and almost certain failure. An organised enemy may be found : not so, naked and scattered blacks, undistinguishable from the trees of the wood ; who could crouch in a gully—creep almost as rapidly as a dog. The appearance of apathy, in reality resulted from the uselessness or danger of action ; nor can it be a matter of surprise, that men expelled from their minds an evil merely possible, which they hoped to escape, and which no forethought would avoid. Whether these imputations were just, or not, they were revived in various forms, by the Governor's private and public addresses. They constitute a large portion of his correspondence with the Home Government ; but they drew forth from the Secretary of State what, perhaps, was chiefly desired—an approbation of his measures of protection ; for, however apathetic individuals, it was admitted, that the repression of outrage, from whatever cause, and at whatever cost, was an obligation on government. There were, nevertheless, several instances of courageous defence : large numbers were successfully resisted by a single musket ; and it was stated by Governor Arthur, that two armed men would strike a whole mob with panic—a contempt of their valour, which was often provoked by the subtlety of their escape. Such is commonly the case : savages, even when courageous, are unwilling to face the deadly weapon of the white man. They, however, lost much of their alarm ; and, at length, would pause for the report, and rush on with shouts of defiance, when the English had discharged their guns.

The most courageous instances of defence, were furnished by females : they were sometimes surprised by a visit, when escape was hopeless, and relief unattainable. Mrs. Mac-lanachan maintained a post, purely by her resolution. Mrs.

Dalrymple Brigge, a half-caste woman, was rewarded with twenty acres of land, for her heroism. She drew inside her house her wounded child, barricaded her door, and fired through a crevice. The blacks attempted, first to pull down her cottage, and then to destroy it by fire. The conflict lasted more than an hour, when relief came. Another: Mrs. Connel defended her house with the musket; a little child, of four years, bringing one to her as she fired off another: she was within a few days of her confinement. The fortitude displayed, on these occasions, was very justly admired: we cannot, however, but be sensible, that few possessed either the physical strength, or the knowledge of arms, equal to a task so hard.

In this colony, 1830 will be ever memorable, as the year of the Black War—that campaign, which formed the first military lesson given to the colonists. In the ferment of the public mind, innumerable plans were propounded for their capture: some merit remembrance from their oddity, and some for their kindness. It was suggested, that those natives in custody should be driven forward, secured by a tether, and thus compelled to guide the pursuit. It was also proposed, that depôts of flour, sugar, and other tempting articles of food should be placed in the tracks, and when natives were engaged in seizing the prize, the Philistines would be upon them. A third plan recommended, that four or five persons should be placed in the vicinity of huts, to be erected for the purpose: they were to stand outside, and allure the natives; and when seen by them, to feign alarm, and run. The natives, it was expected, would make for the seemingly abandoned dwellings, to be surprised by the English, lying in ambush. Their dogs often gave them notice of approach: a scheme was propounded, to turn this advantage against them. The English were to be furnished with two sets of dogs: one leash, swift and fierce, to pursue the dogs of the natives; but as both would soon vanish from the sight of the pursuers, the second species were to be retained, to scent their course. Thus, the native would run first,—his dogs after him; then would come the large dogs of the English—then their little dogs; and, finally, the captors! An old mariner, who had witnessed the effect of music in taming savage tribes, proposed to try the persuasion of sweet sounds. He was not aware, that the expedient had been in vain tested under happier auspices; even had it been possible for a military band to career along with the requisite speed. The musician of the *Recherche*

carried his instrument on shore, and played his sweetest melodies: the natives took no notice. Unwilling to doubt the efficacy of his art, on his next visit he used sharper tones and quicker measures: the aborigines put their fingers to their ears, and the Frenchman dropped his fiddle in despair.

It will be proper briefly to notice the state of the public mind at the moment. The natives were now a mere handful: an irregular contest of several years duration, now and then slackened, was ever adding some new victim to the slain. The constables occasionally fell in with the temporary huts, which told the mournful tale of rapid depopulation. In tracks, where thirty or forty huts had, in former years, indicated a considerable clan, four or five only were reared; but while the natives diminished, they seemed to increase their activity, moving to various places with almost incredible swiftness. It is said, that they would travel fifty miles in a day. Their superior knowledge of the country enabled them to reach stations more remote in appearance than reality. A colonist, of the present time, by better acquaintance with the road, can pass in a few hours to places, once several days journey distant. Such rapid progress may perhaps be doubted, but it was sufficient to give them the appearance of ubiquity; and since they now were no longer casual but habitual robbers, the havoc and alarm they created had rather augmented, as their numbers declined. The colony, then prosperous in its general affairs, was deeply depressed by their continued outrages: shepherds would no longer tend their flocks, unless accompanied by armed companions. On the slightest signal of the approaching foe, they would flee with precipitation: ten times a day the quiet of domestic life would be broken by the fears, feigned or real, of the workmen. If they idled on the road, it was the blacks that retarded them: if they lost provisions, the hut had been robbed by the blacks. Often, too, these vexations were tinged with the ludicrous: the rumour would reach the township that an unfortunate had been speared, who, when more closely examined, was found dead drunk. Some imaginative settler would return, with the sure information that the blacks were lurking in the woods: the cautious whites, well armed and skilfully disposed, would march round the hiding place, and stealthily approach a stump of more than usual likeness to animated nature.

An officer, newly arrived, when the depredations were most alarming and frequent, looked from the window of his cottage, in the twilight, and discerned many blacks crouching

among the stubble of a corn field lately reaped. He hastened and ordered out his men: they cautiously crept round the inclosure, and were gratified as they drew nigh to discover that the enemy had not moved. Another small party of soldiers observed a body of fifty or sixty, on the borders of a creek, flowing into Oyster Bay: as they were approached by the British, they made for a point of land. It was, apparently, a certain capture: the soldiers and constables rushed on, when the foe took the water. In these adversaries the colonist will recognise the black stumps, left by imperfect farming, and the black swans which adorn our waters. Notice was brought, that some one in the far interior was killed: the coroner's jury was summoned; the verdict was, of necessity, "*not yet dead.*" *

The disquietude occasioned by an enemy, so insignificant; the constant vigilance imposed, and the not infrequent heavy calamities inflicted, are events justly exhibited by the *Aborigines' Committee*, as a lesson to mankind. The long oppression of a race, not prone to violence, was now productive of its fruit, and exacted from the colonists a fearful retribution.

The most alarming movement of the natives was, the systematic destruction of premises by fire. This was revenge within their reach, at any hour; and its previous infrequency is a matter of astonishment. In three months, the huts of Messrs. Howel, Sherwin, and Clarke, had been destroyed. The property of Mr. Sherwin, lying between hills, was easily watched, and spies were posted on the heights. The mode of firing the premises was deliberate: they kindled the flames at twenty yards apart, so that the whole was simultaneously burned; this done, they went off, shouting and crying out to the English to go away. The extent of the mischief was not so alarming as its forebodings. That element, which nature has placed at man's disposal, and can be turned, by a moment's effort to the destruction of a fortune, might long have proved an effectual scourge, and made colonisation hopeless. The retention of properties, as well as the security of dependents, required decided and unanimous measures.

No part of Governor Arthur's character conciliates greater esteem, than his promptitude to encourage humanity in the whites, and to win the confidence of the natives. At the commencement of this year, he offered a liberal reward to

* *Hobart Town Courier.*

any one who should open a pacific communication, or if a convict free pardon. He promised five pounds for every adult, and two pounds for every child, taken alive. He entreated the colonists to enjoin the utmost tenderness on their servants, and invariably to spare the women and children. These merciful intentions were but little successful: the rewards were rarely claimed. But no effort, in a right direction, is ever lost: the conduct of John Benfield, a convict, was distinguished for intrepidity and coolness in a capture, and Colonel Arthur bestowed warm praise. Observing a fire, at a short distance, he approached three aborigines, to whom he offered bread: one of them promised to accompany him, if he would put aside his gun; this risk he incurred. He led the black to his hut, and gave him food and blankets for his companions; and soon succeeded in completely conciliating them all. They joined him in hunting the opossum: thus he drew them on to the military party stationed at Captain Moriarty's. This man certainly deserved the reward he obtained, and the government notice of an action so courageous and humane, must have mitigated the fierce spirit of his class.

The orders and notices issued by the Governor during this year, represent the powerful agitation of the public mind, and from which he himself was by no means free. Sometimes, the hope of reconciliation seemed strong; thus, August 19th, he states that Captain Welch and Mr. G. A. Robinson had obtained a friendly parley with a hostile tribe. It was ordered, that no attempt should be made to capture or restrain such aborigines as might approach the settlement; but that, after supplying them with food, they should be suffered to depart.

He found it necessary to explain the conditions on which rewards were offered for capture, which had been abused, by the violent detention of inoffensive natives: those who, in attempting to arrest them, were guilty of wanton mischief, were threatened with the penalties of the law. These orders were followed by outrages, which threw doubt on the propriety of distinctions: the ally of to-day, was the robber of yesterday, and the assassin of the morrow. The natives of the south-west districts of the colony, and of the islands, were still exempted from proscription; but an explanatory notice, authorised the settlers, by whatever necessary means, to anticipate, or repel, the barbarous attacks, now renewed with terrible frequency and atrocity.

These public instructions indicate the alternate feelings

which prevailed: they were natural to men who, reflecting on the origin of the warfare, felt that measures, now indispensable, were not wholly guiltless.

OFFICIAL LIST OF ATROCITIES COMMITTED BY THE NATIVES.

1830.—January 1. William Smith, in the employ of — Triffet, jun., killed near the river Ouse. Piper's hut, at Bark Hut Plains, broken open and plundered of a musket, blankets, sugar, &c. Captain Clark's hut, at Bark Hut Plains, robbed, and his house entered by the natives.

February 1st. Mr. Brodie's hut, near the Clyde, was attacked while he was in it; he was speared in several parts of his body, but not mortally; they stole blankets, tea, sugar, &c. 9th. Mr. Mazetti's hut robbed; Lawrence Dering, servant to Mr. Bell, killed. 11th. Mr. Bell's house and servants attacked on Great Jordan Lagoon; the natives kept at bay from the house, but one man received a spear through the thigh. Mr. Hopley murdered about a mile from Mr. Betts'; James M'Carthy desperately wounded. 12th. Mr. Howell's dwelling hut burned, Mrs. Howell and her children narrowly escaping the flames. Twenty of Mr. Espie's sheep killed and maimed. Mr. Thomson's hut attacked by forty or fifty. Mr. Paterson's shepherd pursued by the natives. 17th. John Bluchaby and Philip Norboy killed at Dysart parish, Oatlands, at noon day. Lawrence Murray, servant to Mr. Bell, killed. A child killed at Bagdad, near the road side. 20th. Mr. M'Rae's house, near Bothwell, plundered of flour, and within a mile of the military station, at Bothwell. Mr. Sherwin's house burned to the ground, with the greater part of his property; his servants' hut and fences also consumed. The Weazle Plains Hut burned down; a black man wounded, in the act of setting fire to it. 22nd. Captain Clark's barn and corn stacks consumed, containing 1,200 bushels of grain.

March 2nd. A hut, near Captain Clark's, fired. A hut, at Davis' Marsh, plundered. 9th. A mob of natives appeared at Captain Smith's hut, at his run; a part of them killed 100 of his sheep. 10th. Piper's hut fired, and partly destroyed. 11th. Captain Wood's hut, at Poole's Marsh, robbed. Mr. Jones' hut, Side Line Marsh, threatened. Mr. Bisdee's hut attacked; also Mr. Thomson's stock hut, and Mr. Brodribb's, at the Black Marsh. Mr. Denholme's hut, at the same place, attacked, and his servant speared. 13th. M'Gennis' hut, Richmond district, plundered of muskets, powder, and ball, and every thing of value in the house. 15th. A hut, near the mouth of the Carlton River, attacked, a man and woman dangerously wounded; four spear wounds, and a cut on the head, supposed mortal. Another woman speared through the arm. 19th. About forty natives attacked the house of Mr. Brodribb, Black Marsh: they were divided into small parties, and made their attacks simultaneously: one man speared. On their being driven back, they proceeded to the hut of Mr. Thomson, which they robbed of every thing in it. On the same day, a man was speared in bed, at E. Danoven's, Black Marsh.

April 1st. John Rayner speared in several places, and dreadfully beaten by natives, at Spring Bay.

May 18th. Mr. Lord's hut, at Eastern Marshes, attacked; of two men in it, one was dangerously speared, and the other dreadfully beaten. The natives then plundered the hut, and retired.

June 1st. Mr. Sherwin's hut, Weazel Plains, plundered by the natives. 15th. The aborigines plundered the Den hut on the Lake River, of every thing in it, and murdered Mary Daniels, and her two infants, in cold blood.

August 7th. S. Stockman's hut, Green Pounds, plundered by natives. 9th. The death of Mr. Sharland (surveyor), and his men robbed of muskets, powder,

and shot, by the natives ; on the same day, government hut, between Bothwell and Blue-hill, robbed by natives, as well as the houses of Mr. Wood and Mr. Pitcairn. A man servant of Mr. Barra, wounded. About forty natives met by Mr. Howell's party : a woman wounded. 23rd. The huts of J. Connell and Mr. Robertson attacked ; the latter plundered. Mr. Sutherland's shepherds attacked, and their arms taken ; one of them speared : arms taken from Mr. Taylor's hut. 24th. James Hooper killed, and his hut plundered of everything in it. The huts of Lieutenant Bell and Watts attacked by natives, who were repulsed from both.

September 8th. Captain Clark's shepherd attacked, but escaped. 13th. One man killed, and one man wounded, by the natives, on the banks of the Tamar. 14th. A man, employed by government at the lime kilns, near Bothwell, chased by natives, but escaped. 18th. A private, of the 63rd regiment, killed by natives : two sawyers speared, one of whom died of his wounds. 27th. Francis Broken speared and killed. 28th. Three men, at Major Grey's, wounded by natives, and one dangerously wounded with stones. 30th. Mr. G. Scott's house attacked by a mob of natives ; they speared one man, and killed another—the body of whom they threw into the river. They ransacked the house of every thing they could find, and even went up stairs, and broke the doors open—a proceeding to which they had never before resorted. They took away blankets, shirts, sheets, knives, 600 or 700 lbs. of flour (which they tied up), half a basket of tobacco, 100 lbs. of sugar, a bag of tea, and a considerable quantity of slop clothing : so great ingenuity was displayed in the attack, that for some time it was supposed that Europeans had conducted it. On the same day, the natives plundered a hut, opposite to Mr. Scott's, of all the tea, sugar, flour, and bedding, that were in it.

October 16th. The settlement at Sorell attacked by natives : one severely wounded ; four houses plundered of blankets, flour, tea and sugar, and clothes of every description. 18th. Captain Stewart's shepherd wounded by spears, and Mr. Guildas, a settler, killed by two spear wounds. 19th. Natives showed themselves on the farms of Messrs. Gatehouse and Gordon, and attacked the house of Mr. Gough, whom they wounded severely.

November 16th. Two huts robbed on the Ouse. 18th. Captain Wight's shepherd killed by natives ; dreadfully mangled twenty-seven sheep. A hut on the South Esk attacked by natives : every thing portable sent off.

February 3rd, 1831. The natives attacked Mr. Bursby's house, on the Tamar ; speared Mr. Wallace in several parts of the body, and inflicted several severe and dangerous wounds on his head : they likewise wounded a child. The hut of Allright attacked by them ; plundered of every thing it had in it. The hut of Mr. Sutherland, Nork Esk, robbed : three horses speared, three others wounded. A woman, named M'Haskell, killed at Retreat, near Westbury : house robbed of 300 lbs of flour, knives and forks, blankets, chest of tea, 100 lbs. of sugar, tobacco, two casks of butter, three muskets, and powder. 7th. Stewart's house attacked by natives, who were beaten off.

March 8th. Two sawyers attacked by natives ; severely wounded. Two huts, near New Norfolk, plundered. 12th. Mrs. Cunningham's hut, at East Arm, robbed by natives : she and the child wounded, very dangerously. 21st. Mr. Lawrence's servant murdered, and three men dangerously wounded by the natives, on Norfolk Plains.

April 5th. J. Ralton speared through the body, whilst at work splitting wood. 6th. N. Fitzgerald speared twice through the body, whilst sitting reading at the door of his cottage ; the house plundered by the natives of guns, blankets, and other things. 7th. The same house again attacked.

May 10th. Hut on Patrick's Plains, containing government stores, burnt to the ground, by natives. Mr. Kemp's establishment, at Lake Sorell, attacked by a considerable mob of natives : the fire arms carried away, buildings totally consumed by fire ; two men murdered, and one wounded.

June 6th. Several huts attacked, near Hunter's Hill ; J. Triffits speared. Mr. Baretti's hut robbed, likewise Mrs. Bell's, of every thing in it, and the wife of N. Long murdered. Mr. Clark's hut plundered.

September 5th. Thomas Smith, hut-keeper, at Tapsly, murdered; hut plundered. John Hignston speared, and hut robbed; four sawyers' huts robbed. 7th. B. B. Thomas, Esq., and his overseer, Mr. Parker, murdered near Port Sorell, by a mob of natives, whilst, actuated by the most humane views, they were endeavouring to carry the conciliatory measures of government into effect. Mr. Thomas had received ten spear wounds, and Mr. Parker eleven. Stocker's hut desperately attacked: a child wounded; a man, named Cubit, speared. 22nd. Mr. Dawson's hut, on Brushy Plains, attacked, and his servant severely beaten with waddies. 23rd. Mr. Dawson's servant, Hughes, severely beaten by natives, nearly losing his life.

October 3rd. The natives, having possession of fire-arms, attacked and robbed the premises of constable Bird, and plundered the house of Mr. Amos, jun.

SECTION VI.

EFFORTS of conciliation, were made through the medium of three women, captured by the police; and who, after being treated with kindness, were permitted to return to their tribe, and to invite their submission. One of these was seen in the journey, and slain, in error! After the absence of a few weeks, the survivors prevailed on the chief, and nine other men of the tribe, to accompany them to the residence of Mr. Batman: this gentleman, and his family, assiduously cultivated their good will, being one of the few who entertained a strong confidence in the power of kindness; notwithstanding, after remaining nine days, they eloped, it is said laden with plunder—displaying, in their progress, unmitigated hostility. Two natives, who delivered themselves up to a shepherd, and were lodged in the penitentiary at Launceston, after being supplied with abundance of food and clothing, within a month effected their escape, and were traced by their outrages. The celebrated chief, Eumarrah, captured by Robertson, after two years detention, when his artless manner and apparent reconciliation to his lot, threw his keepers off their guard, contrived to abscond. Justice is, however, due to the reputation of a savage. Eumarrah, afterwards complained, that when employed on the LINE, he was beaten by a constable: Jemmy, who escaped at the same time, had been chained to a bench all night, by a similar functionary. The newspapers of the day complain, that in gaol food sufficient for their appetites had not been always supplied them. The women were declining in health, when allowed their liberty. This last, was the

great cause of their restlessness; they felt the oppression of civilisation; they were weary of clothing; the skin was irritated. The instinct which prompts a bird to seek some way of exit, also moves a savage: it was not so much indifference to kindness, as the passion for roaming—the habit of the race. Nor were they managed always with prudence: they were left to the mischievous influence of low white men, who delighted to terrify, even when they did not positively injure them. It was not until thirty had escaped, nearly equal to the whole number taken, that it was discovered, that to retain them, even their prejudices required tenderness, and that they were deeply sensible of contempt.

These retreats tended to extinguish the hopes cherished by the friends of the natives, and rooted the conviction more firmly in the colonial mind, that all efforts to tame them were unavailing. All the plans laid down for their expulsion, had been tried, and had proved to be impracticable. They still recurred to their usual haunts, and made up for their diminished numbers by their improved method, cunning, and audacity. Having committed depredations, they retired, with their plunder, to the districts reserved for their occupation, and whither it was unlawful to follow them, except for sworn offences. The Governor determined to try a movement, *en masse*, and by the united force of the entire population, to drive the Austral tribes within Tasman's Peninsula—a territory, joined to the main land by a neck, about one quarter of a mile in breadth. The success of this plan could never have been considered very promising. The Governor expressed his doubt respecting the result, while it was in progress; and there is no reason to question that, in putting it to the test, he was moved by the earnest entreaties of the colonists, and a conviction that nothing should be left untried, to preserve the people committed to his charge.

On the 7th September, 1830, the intention of the Governor was officially announced. Referring to the outrages of the natives, he asserted that their expulsion was impossible, but by a simultaneous effort. He called on every settler, whether residing in the town or country, to place himself under the direction of a magistrate, whoever he might prefer; that the whole military and police strength, combined with such assistance, might capture the hostile tribes, or permanently expel them. The solemnity of the engagement, no less than the preservation of the lives and property of the whole community, would require a serious and resolute co-operation. On former occasions, he ob-

served such campaigns had been greatly perverted, and transformed into amusement and recreation. The Governor gave no promise of recompense, and insisted that the effort, however meritorious, was simply the duty of all; but with his accustomed tact, he chose this moment to reward, with large grants of land, those persons already distinguished for enterprise and success, and to distribute indulgences to prisoners who had been actively employed in the service. Mr. Batman, who had devoted twelve months to the pursuit of the blacks, obtained 2,000 acres of land. Mr. Howel, of the Clyde, whose losses had been great, but who was represented as displaying an untiring spirit of humanity, was consoled with 1,000 acres. The aboriginal Sydney guides, and Black Bill, a Tasmanian, received each 100 acres.

The volunteer parties from Hobart Town, were to join the force at New Norfolk, the Clyde, or Richmond: those from Launceston, were to patrol the westward and Norfolk Plains, the west bank of the Tamar, or the country extending from Ben Lomond to George Town. Enterprising young men, inured to the bush, were requested to attach themselves to the small military parties at the out stations, and, under military officers, to scour the northern country.

Men, holding tickets-of-leave, were required to enrol under the magistrate of their district, and settlers were enjoined to equip and detach whatever servants they could spare, reserving only sufficient strength for the protection of their families. The inhabitants of Hobart Town, in public meeting assembled, tendered their service to the government, for the furtherance of the object. The peace-loving Joseph Hone, Esq., was chairman of this warlike meeting: most of the leading speakers belonged to the profession of the gown. Mr. Kemp, one of the elder colonists, once an officer of the 102nd regiment, who had seen the process of extermination throughout, declared that the English were chiefly the aggressors. Dr. Turnbull contrasted the effects of a vigorous resistance by government and the conflict of individuals: united effort might be followed by bloodshed, but would tend to repress the habits of violence, and, at least, save a remnant from destruction. A tribe, one hundred and sixty strong four years before, that frequented the Elizabeth River, was reduced to sixty by daily skirmishes with the stock-keepers. A question, however, arose, whether it were lawful to shoot aborigines refusing to surrender on challenge. Against this construction of law, Mr. Gellibrand

earnestly protested; and maintained, in warm terms, their claims to sympathy and compassion—himself, alas! destined to die by the hands of the race. It seemed, however, generally understood, that capture should be attempted by the most merciful methods, but accomplished at all events. Colonisation by the French, was exhibited by Mr. Hackett, the distiller, in contrast with English; but Dr. Ross rose in reply, and stated that there was a rock which bore the name of *The Leap*, from which the last sixty natives of Grenada were precipitated. Mr. R. L. Murray treated the prevailing notion of danger with derision: three women, he said, would put a whole tribe to flight; but Mr. Horne reminded the meeting, that the grass had not yet covered the graves of a mother and her children, recently slain. Thus, like the warriors of the heroic age, they debated before they armed; but it is difficult to reconcile the civic temper with military subordination: the committee nominated by the meeting to enrol the town guard, suggested that volunteers should be allowed to choose each their own company, as well as their own officers. One party of twenty-four, required the choice of their post, and the right to act as an independent division.

On the 22nd September, the plan of the campaign was minutely described in a government order, and operations were fixed for the 7th of October. Its main features may be briefly stated:—The Oyster Bay and Big River tribes, as the most sanguinary, were first marked out for pursuit. They were to be driven within the county of Buckingham; the utmost care being employed to prevent escape through the lines, while chasing them to Tasman's Peninsula.

A chain of posts was occupied, under Captain Welman, from St. Patrick's Head on the east coast; including the source of St. Paul's River, and stretching to Campbell Town. A second chain, under Major Douglas, extending from Campbell Town, passed south of the Macquarie, to its junction with the Lake River. Both divisions, marching in a southerly direction, formed a line from Oyster Bay tier to Lackey's Mills. During these manœuvres, a party were sent to examine the tier, extending from Swan River to Spring Bay; carefully, however, concealing the movement from the natives, lest they should be deterred from passing the subjacent isthmus. Other parties were employed, under Captain Wentworth, to force the aborigines from the neighbourhood of the lakes in the west, towards the same centre, advancing due east to the Jordan.

The lines being compressed and thickened, and joined by the settlers on their march, were then moved forward, followed by scouring parties, to guard against their escape, should the natives cross the line. Fires were kept burning to direct the troops, who were expected to march in unbroken order.

Captain Donaldson, who directed the operations in the north of the island, swept over the vast extent of country from Norfolk Plains to the Ouse—from Sorell Lake to Lake Echo. There he remained, closing the avenues of escape, while Douglass and Wentworth advanced to their last position: he then joined the main body. Twenty-two parties, under Major Douglas, and fifteen under Captain Wentworth, were then sent within the lines, to catch the natives, or drive them toward Tasman's Peninsula.

The distribution of provisions to this force, was entrusted to Messrs. Scott, Wedge, and Sharland, surveyors. The rations were delivered to the leader of each party weekly, and consisted of sugar, tea, flour, and meat, in considerable proportions. The principle depôt was at Oatlands: where 1,000 muskets were provided, 30,000 rounds blank cartridges, 300 pairs of handcuffs, and whatever might contribute to the success of the assailants. Many thousands of rations were stored, and the settlers saw, with pleasure, their produce rise in the neighbourhood of this formidable band, to twice its recent value. £2,000 was paid to one merchant for the tobacco. The officers, to avoid its destruction, inevitable on so long a march, mostly threw off their military clothing, and assumed an uniform of Maria Island cloth, thus reserving their full dress to celebrate the coming triumph. The enthusiasm was universal: a blacksmith, at Sorell, unable to follow the army, offered to repair all the guns belonging to the volunteers of his district. His example was followed by another, who, having but one leg, contributed the same service to the common cause. Nor was supplication forgotten: a form of prayer was composed for those who used formulas, and extempore petitions were offered by other denominations. The colony, at large, cheerfully responded to the call of government: the military character of the plan excited the young, without much alarming the mature. The inhabitants of the towns readily enrolled, and the discussions every where exhibited a curious mixture of martial ardour and civil pertinacity.

There were many old soldiers in the colony, who were amused, without being repelled by this mimicry of war.

More busy civilians, were anxious for the formality of incorporation, and the gradations of command. The townspeople were allowed their choice, between more active service and garrison duties. "Gentlemen," said an old soldier, "you may call yourselves marshals, generals, and colonels, but the duties assigned you are usually performed by a corporal's guard." It is gratifying to observe, that the last injunction of the Governor, and the last lesson of the press, suggested humanity. Under the excitement of losses and bereavement, the destruction of the natives had been invoked; but now, softened by the belief that the whites were about to complete a work which had been twenty-six years in progress, and to expatriate the race, with one voice all said, "spare them!"

The forces, including the military and constabulary, amounted to nearly five thousand; of these, 1,500 were contributed by Hobart Town, and 500 by Launceston. No army ever departed from their homes less agitated by the uncertainties of the future; and notwithstanding the dreary picture of the service, drawn by the colonel commanding, there was no danger that a bridge of Lodi, or a plain of Waterloo, would be found in the campaign. Some went out with the keenness of sportsmen who might at least catch a kangaroo: others were contented to live moderately well at government charge. The clerks, released from their offices, gladly embraced a holiday: the poor prisoner acted and felt as a free man, and rejoiced in the interval of his servitude; and keen and canny volunteers embraced the opportunity to range the unknown territory, for the discovery of some neglected spot, which might offer a future home.

On the 1st of October, the whole country was declared under martial law; excepting, however, from its operation, not only the British, but such of the aborigines as were pacific. This measure was of no great moment, except that it authorised the pursuit of all natives in every quarter.

The journals not favorable to the scheme, predicted its failure. There were vast probabilities against it: the nature of the force—the seat of war—the foe—the discipline—even the orders not to kill, were all peculiar and discouraging. Townspeople, little accustomed to fatigue, and sportsmen not disposed to be silent, were to move sometimes in a regular and quiet line. A shot carelessly fired, the momentary slumber of an undisciplined sentinel, or the lazy evasion of a scout, might disconcert the whole campaign. No Englishman could follow up the native: the array, the number and the glancing of muskets, gave warning from afar. An European,

encumbered with his dress, could only move slowly, and when passing the bush must pause every moment, or be tortured at every step; but the native could swing from bough to bough, mount to the topmast branch like an opossum, move past the people seeking him diligently, or lie down until they were gone. To many of the colonists, the campaign was no child's play. The pursuit of solitary white or black rangers of the wood, was exhilarating to men of great animal courage, and who could enjoy long intervals of rest; but a regular march, through such a country, soon wore out the patience of many, and they were glad to resign the glorious undertaking to more ardent warriors.

As the campaign advanced, the weather was unpropitious: crossing the rivers became dangerous; trees had to be cut down, to form temporary bridges. These obstacles cooled the spirit of volunteers, who passed rapidly from discontent to criticism, and from criticism to despair. "Many crawled home:" such was the indignant description of their retreat, given by their comrades; and whilst the drenched, but decreasing forces lay along the line, young men, it was said, crowded the streets of the capital, ignobly forgetful of the common cause.

Parties were divided into threes, each forming a night watch: fires were lighted for the night, and illumined the whole distance of thirty miles, from Prosser's River to Sorell; and sentinels paced within hail of each other. The police magistrates visited the several posts on horseback, and the Governor rode rapidly along the line, from the Clyde to Spring Bay. Dr. Ross, recording his Excellency's exertions, states, that to allow them a full description, would leave no room for any other topic! His labours and perils were the theme of admiration and sympathy: it was reported, that he was lost three days in Paradise—a place renowned for its miserable vegetation, and the dreariness of its scenery. The warlike tone of the day may excite a smile, but the fatigue was indisputable; and although the slipperiness of the foe gave the air of mock heroism to the service, the watchers of the line were reminded, by frequent tidings from homeward, that their enemy was strong enough to deal death to the aged and the innocent. Four blacks, who crossed the line, and hung upon its rear, inflicted terrible vengeance. One attacked a settler, who returned a mortal wound with a pitchfork. The survivors hovered about the place to avenge his death: they at length found a victim in an amiable young lady, Miss Peters, who was speared in the breast. She felt,

from the first, that the wound was mortal, and calmly resigned herself to her destiny. Others, left by their friends and dependants, were liable to the same perils: of this, Mr. Gildas, a settler on the Tamar, was a remarkable instance: he had sent his men to the line, and was thus alone. He left his house to seek for fire-wood, and was speared. The savages plundered his house, and defaced the pictures on the walls. A pilot, calling at his dwelling, found it pillaged and desolate. This man was at the battle of Trafalgar, and present when Nelson fell—himself reserved to perish in Tasmania, by savage hands.

The division under Captain Donaldson, which followed up the main body of the forces, arrived on the 31st of October. Colonel Arthur issued from the camp (Sorell Rivulet), a statement that the final decisive movement was at hand, and that those who had been exposed to great privations, would soon be released to their homes. Having been compelled to await reinforcements, the campaign had been unavoidably prolonged: to have moved without them, would have risked the success of the enterprise; the two dangerous tribes would attempt to escape, and the forces in charge were exhorted to redouble their vigilance, to prevent their breaking through the position.

These notices indicate a confidence of success, doomed to disappointment. To the precipitation of Mr. Walpole's party, Colonel Arthur attributed the failure of the expedition. They were instructed not to attempt a capture, unless a considerable number could be taken; but the sight of the slumbering enemy probably suspended the recollection of this order, and was one of those casualties which could hardly be avoided, in such a wide distribution of command. It was on the 22nd of October this misfortune happened: the natives were discovered hunting, and were watched, until their evening fires were formed for the night. No noise being heard, Mr. Walpole supposed they had taken an alarm, and advanced at twilight towards the first hut, where he saw five blacks, with their dogs, fast asleep. He seized one man by the feet, and after a severe struggle detained him: a boy, ornamented with figures on his body, about fifteen years of age, shared the same lot; but two others were shot: the remainder fled. The quantity of spears and baskets left behind, proved that their flight was sudden, and their numbers considerable.

An attempt was made by the natives to cross the line on the 27th October. The sentry had set down his piece,

and was putting some wood on the fire, when a spear was thrown at him: he threw the billet in his hand, and was reaching his musket when he received another spear; an alarm being given to an adjoining party, the blacks were driven back, of whom, however, six only were seen.

A circumstance occurred, which strongly confirmed the impression, that some treacherous whites had directed the natives. In pursuing them as far as the isthmus, they discovered in their tracks the impression of shoe-nails, and other evidence of the presence of white men. The reports were soon spread, that the Oyster Bay and Big River tribes were in the rear. The hopes of the colony rapidly gave way, and the Governor, writing to the Secretary of State, on the 21st of November, intimated his suspicion that the movement would be in vain.

These reports were, indeed, constantly circulated, and tended to damp the ardour and diminish the vigilance of the line. Some scouring parties from Norfolk Plains fell in with a tribe of forty, whom they pursued beyond the Shannon. They followed them for three days, but were compelled to return: the blacks, in their progress, had surprised a settler, and murdered him. The rumours of escape were aggravated by imagination: a party of the whites were seen by some sawyers, who ran away and reported them as natives; and it was several days before they could be persuaded of their error.

The settlers, worn out with fatigue and longing for their homes, were impatient to advance, and afforded ample opportunities for concealment and escape. Among the rest a place is noticed, which enabled the natives to defy intrusion or discovery, near the "Three Thumbs' Mountain,"—an almost impenetrable forest, of seven miles extent: the spreading branches obscure the sky, and lofty plants grow entwined, and conceal an object at the distance of a few feet. The attempt of the blacks to cross the line discovered their retreat. It was resolved to assemble forces sufficient to surround, break through, and storm this thicket: it was penetrated by about 300 men, who kept up a constant fire of musketry. A party, hearing the rustling of leaves like the noise of cattle, followed the sound: they came up to an encampment, where the fires were unextinguished, and where half-formed weapons indicated a hasty dispersion. Here they found the impression of nails, and what were deemed sure proofs of a superior directing intelligence. The presumption, that some convicts were

incorporated with the blacks, was certainly strong, but it was probably but a temporary or casual intercourse, of not much utility to the natives. The Governor had, however, a full conviction that to this circumstance the failure might be partly ascribed. In the middle of the march, he ordered the publication of a report, which appeared decisive of the fact. Savage, a servant of Mr. Bisdee, was met half naked by the Governor, near Mills' Lagoon, to whom he stated he had been surrounded by a tribe, and rescued from violence by a man named Brown, who was with them. This person he had known in gaol. Savage advised Brown to bring in the natives, but he refused: he said that he had been frequently at Hobart Town, where he had bought clothes for the women: he had a double-barrelled gun, and seemed to have complete control over them. They carried Savage with them as far as Mills' Lagoon, when he was told he might go. The Governor and his party instantly set off in the pursuit, but they discovered no traces of the natives. The truth of this narrative has been questioned, yet from the number of points in which a correct memory, or extraordinary powers of invention would be requisite, the Governor might have easily detected imposition. The man stated that fright cured him of rheumatism, : his rags were consistent with his story. It is, however, the only clear testimony to the presence of white men with the blacks at that period.

On the 26th of November, it was announced by the Governor, that the first series of operations was brought to a close; and except a few, requisite to protect the country, the colonists and their servants were released, and the town guards replaced.*

Those who had condemned the plan, now censured its precipitate abandonment: they said that hundreds of blacks were enclosed when the troops were withdrawn. It is not likely, however, that the Governor was deceived on this point. It is certain that many blacks were in the rear, and the dispersion of the force was equal to a confession, that the object was impracticable—that it had failed.

Thus closed the Black War. This campaign of a month,

* The sheriff, Mr. Dudley Fereday, had before dismissed that portion which guarded the gaol: he affected to believe that the prisoners were not safe. There was small chance of escaping, so observed the newspapers, while the civilians were on guard—the prisoners themselves had given up all hope! But the sheriff thought otherwise, or more probably availed himself of his office, to cast into the dirt the honors of the civic guard; who had observed the forms of military discipline, and who merited a more distinguished termination to their service.

supplied many adventures, and many an amusing tale ; and, notwithstanding the gravity of his Excellency, much fun and folly. The settler soldiers returned to their homes, their shoes worn out, their garments tattered, their hair long and shaggy, with beards unshaven, their arms tarnished ; but neither blood-stained nor disgraced. They had seen much and dreaded more ; but, in general, they met no other enemies than scrub and thorns, and they sat down on their own hearths, happy in having escaped the ramrods of their friends. The odd tactics, awkward movements—the skulking and the foraging, and all the various small accomplishments of a bivouac, were long topics of conversation and laughter. The accidents were few, though of these some were fatal : two aborigines only were captured, and one soldier was wounded. Yet though not very glorious, perhaps no evening in the year passes, but some settler's fireside is enlivened by a story of the fatigues and frolics of the Black War.

When the last movement was completing, the *Science* sailed for England with despatches from Colonel Arthur : they indicate his expectation of a failure, and scarcely conceal his mortification. Either the original impossibility of the plan, or the indolence or incaution of those who carried it out, had exposed the government to more than ridicule. Five thousand men had taken the field, beside the town guard. Nearly £30,000 had been expended, and probably not much less value in time and outlay by the settlers, and two persons only were captured ! Those who prophesied the result, of course exulted in their sagacity : for the rest, they either praised the motive or the details. An impartial retrospect will not permit a commendation of the plan. The arrangements were ably made, and the parties, though they encountered difficulties unusual, reached the appointed places with considerable precision.

A public meeting was called to thank the Governor for his exertions in the field. This assembly was summoned, says the chronicler of the times, by the largest placard ever published in the colony ! The resolutions and addresses were nearly unanimous ; Mr. Gregson being almost singly opposed to this tribute of gratitude. It was objected by this gentleman, that while the activity of the Governor was not to be disputed, exertions wisely directed were alone worthy of praise ; and he compared the project for netting the aborigines, with an attempt to harpoon a whale from the heights of Mount Wellington. The ardour of the people would not, however, admit a comparison which it required

at that moment some political resentment to perceive. Nor is it precisely just to estimate the merits of a plan, by the success of its application. A colonist at a glance sees, in the names which were attached to the addresses, that the war was popular: all parties, of every shade, contributed something to that warmth of commendation, which had been hitherto paid by one alone. In every district of the colony, the applauses of Hobart Town were re-echoed, and the Governor's replies gave back an exchange of praise.

To suppose that Colonel Arthur expected military renown from such an enterprise, is certainly to under-estimate his ambition: to imagine that he valued a military spectacle, is not consistent with a mind much too practical for chivalry. His avowed and real object was to stop the murder of his countrymen, and to arrest the extinction of the natives; and it was not unworthy the public gratitude.* The Governor was delighted, however, by those proofs of the discipline of the prisoners, which were afforded through the campaign: many hundreds were in arms: they performed their duty with exemplary diligence and sobriety, and thus afforded the only spectacle which Colonel Arthur valued. It was certainly unprecedented. Slaves have been armed by their masters—their wives and children were hostages—but convicts, never. Robberies were less frequent than usual, and the journals singularly free from the details of crime. The animating influence of confidence reposed, elevates the least romantic natures: since they were trusted, they were faithful: all returned home to their servitude.

SECTION VII.

WHILE the hostile proceeding was in progress, the future preserver of the natives, Mr. Robinson, had already given his thoughts to their conciliation. In 1829, he was appointed

* "Gentlemen," said Mr. Kemp, of Mount Vernon, at the mess at the Macquarie Hotel, "you see a sample before you, of what this colony can produce, which we are now, one and all, making an unanimous effort to insure the enjoyment of in peace and comfort: if, when not only the necessaries, but many of the luxuries of life are thus bountifully supplied us, we are not loyal, we shall never be loyal. Fill your glasses, gentlemen—the health of his Excellency; and success to the volunteers. Hip, hip, hip,—hurrah!"—*Courier*.

to take charge of Bruné Island, where twelve natives, captured, were located, and mixed with others who had attained a partial civilisation. Mr. Robinson attempted to acquire their language, and was soon able to understand them. The pecuniary advantages of his office were not very alluring: £50 a-year, and rations, were thought equal to obtain a person of good character to manage the infant establishment, and to effect the proposed intercourse with this unfortunate race. Mr. Robinson described his plan, *as the employment of persuasion only*, and requiring the withdrawal of intimidation. He first laboured to acquire the language—a task of some difficulty: the English were scarcely less ignorant on this subject, than when they first landed, and the dialects of the tribes differed considerably. The aborigines were supposed to understand the English tongue much more extensively; but the words with which they were most familiar, were the imprecations so often addressed to them—they were able to retort common terms of menace. Their intercourse with bushrangers and stock-keepers on remote stations, was the chief source of their knowledge. To learn the language as an instrument of civilisation, would be the first idea of a christian missionary; but it was a conception, too lofty for the colonial mind. It was forgotten that by no other means can savages be softened, or permanently conciliated. The effect, when adopted, was electric: they learned to address Mr. Robinson as their *marmanake*, or father, and thus to distinguish him from other white men. The stupidity attributed to barbarians, and the vacant laughter, with which they receive the announcement of new ideas in a foreign tongue, would be ascribed, by experienced teachers, to the absurdity of such a medium of communication.*

The plan adopted by Mr. Robinson, was not only humane—it was reasonable. The natives were proud of freedom: their restraint was disguised, and by unvarying kindness he taught them to regard him as their friend; and thus they were prepared, not only to submit to his authority, but to rely upon his promises. White men had thought it a merit to deceive, and it required some skill to convince them. Having explained the proposals of the government, he took with him several of their number, and went on his errand of

* Thus, while at some stations in New Holland clergymen explained in English the principles of christianity, the thoughts of the natives strayed to subjects more familiar, and cries of "bacca" and "sugar," disturbed the gravity of devotion.

mercy. The aborigines were evidently prepared for his mission. Most of the tribes had occasionally direct intercourse with Europeans—true, the more frequent, the more hostile; but while they regarded the whites with hatred, this commerce enabled them to appreciate the presents provided to entice them, and facilitated friendly communication. All on the east side of the island were confederated; and when any were gained, they became agents in each other's pacification. The late pursuit, though it had not subdued their enmity, or even their courage, had convinced many that there was no security but by peace. Others, however, long resolved to confide in their own strength, and to take refuge in the fastnesses of the island. Such was the answer they gave to the messages of Robinson; but the late events had separated them from each other—it had scattered their tribes: members of the same family were part in captivity, and the knowledge of their condition moved the sympathies of relations still at large. Of this, an affecting instance transpired in 1831. Some, who gave themselves up, stated that they had been very unhappy: they had gone over the country, searching for their lost friends, of whom they could gain no tidings. We realise a softening scene, in contemplating these fragmentary tribes, traversing their ancient haunts, and uttering the unanswered, and then melancholy call which distinguishes their race. When this party were told that their relations were living under the protection of Robinson, they expressed an anxious wish to join them, and met them with exclamations of joy.

The numerous islands that surround the coast, greatly facilitated the detention of captives: few of the male natives could swim; few understood the structure of a catamaran. The means of escape were not easily obtained, and for a time the novelty and repose of their bondage mitigated their dislike to its restrictions: these natural fortresses kept them in safety, without the aspect of a prison; and one or other island was accessible from most points of the Tasmanian shore.

Colonel Arthur implied, by his closing proclamation, when he dismissed the forces, that their labors formed the first series of a connected plan, only partially developed. The war was, in the estimation of the Governor and his friends, a preparation for a mission of peace. It was fortunate that Robinson's early progress imparted to the warlike expedition the *eclat* of reflected success. It is not necessary to scrutinise the notion, or to teach what this history will not

warrant—that measures of conciliation are more successful, when pursued under the forms of hostility. Had the milder method been tested at an earlier period, the expenses of the campaign might have been spared. Colonel Arthur, however, warmly approved, and strenuously supported the pacific mission: not only was he convinced that nothing further could be expected from arms, but he felt a real compassion for the unfortunate race. In this course, he found considerable opposition. “*We strongly raise our voice,*” one editor remarks, “*against their civilisation.*” The natives are not to be trusted; and the lives of all engaged in the mistaken policy of conciliation, are never safe for one moment.”

The conduct of this mission, the Governor entrusted to the Aborigines’ Committee, originally consisting of Archdeacon Broughton, Rev. Messrs. Bedford and Norman; P. A. Mulgrave, J. Thomas, S. Hill, and Charles Arthur, Esquires. Their authenticated statements are embodied in these pages: their sentiments accorded with their character, but were slightly tinged by the feelings of the day.

To devise the means of capture, and superintend their application, was their most important function. It was proposed by one gentleman, exasperated by injuries, or perhaps unconscious of the details of his plan, to pursue the natives with bloodhounds. Another suggested the employment of a man, “who would soon put an end to the eastern mob; and who had already killed half that tribe, by creeping upon them and firing among them.” He thought that “the worst men were the best to engage” in this work. Another proposed to employ the sealers—men who had waged a war of extermination with great success. It is but just to observe, that proposals like these, though received, were not favored by the Governor. They are in the records of Office, connected with the names of their authors, and they admit no other excuse than a reference to recent acts of aboriginal violence, which had shaken the common principles of British humanity.

The Governor had already announced the re-capture of the natives who escaped from Mr. Batman’s, while he was absent at the war. They re-commenced depredations: he finally re-took them without bloodshed. But the most pleasing intelligence, and that which chiefly inspired hope, came from the south-east extremity of the island: Mr. Robinson went round the coast; touched at Macquarie Harbour, visited Circular Head, and Portland: there he took Lemina Beginna, a chief, and twenty-two others, including thirteen

conciliated at George's River. These were brought round to Gun Carriage Island; a temporary abode, ill-suited for their entertainment, and where several soon concluded their troubled career.

Lemina complained that, many years ago, his wife had been taken away by sealers, and entreated the Governor to procure her restoration; another petitioned, that his sister and his mother might be recovered from the same vile oppressors. The sister was known as Black Jock, and seems to have been greatly in request: she was in alliance with the leader of one of the parties—less modest than familiar. A sealer, from whom she had eloped, when she came back to the coast demanded her, with some vehemence, as his wife! So much beloved was this Tasmanian belle. The arbitration of these disputes was no easy task: though sufficiently ridiculous, they often seriously endangered the mission. The Governor issued an order against the interference of the sealers, and declared Mr. Robinson under the special protection of government.

In reference to these captures, the Governor publicly expressed his great gratification, and requested the colonists to promote pacific intercourse, by all available means. The discretion displayed by Robinson, not less than his courage, excited much admiration, and hopes were entertained that the true means of safety were at last discovered. Mr. Robinson now requested that the armed parties should be recalled, depôts established to afford an asylum to the captives, and additional agents employed. Mr. Cotterell, and others were engaged to act in subordination to the movements of Robinson. The Sydney blacks, ten of whom had been brought down by Mr. Batman, for the mission, had been found less useful: they were rewarded, and sent home. The aborigines of New Holland despised the Tasmanian blacks—a race, ignorant of the *womera*!*

In the following September, 1831, Mr. Robinson obtained another considerable accession, assisted by Lemina Beginna: they travelled, backwards and forwards, for four hundred miles, and found old acquaintances. Eumarrah, the chief of the Stony Creek tribe, when he saw Mr. Robinson, ran to him and shook hands, and with five men and one woman, gave himself up: three only of his tribe remained! The captives were described as remarkably athletic: they talked incessantly, and complained bitterly that their women had

* Throwing stick.

been stolen. The inequality of numbers confirmed this charge. While Robinson was with them, a boat's crew came in sight; and it required all his influence to prevent the natives from retreating with precipitation. Thus the evil they suffered in their first intercourse, pursued them to the last moment of their freedom.

M'Kay, who had been employed under Mr. Robinson, added to these captures. Two friendly native women accompanied him, and they followed the track for a week. At last, they found the natives encamped in a plain: in the dead of night the party dashed in among them, and took two men, one woman, and a boy. Surrage, also assisted by two native females, captured eight men and two women. Their method was curious: the tame women were sent up the hill, where the fires were seen: they returned; four men followed them down to the boat, and six others, men and women, were speedily seen in the footsteps of their companions.

While these captures were proceeding, Mr. Robinson started for the Surrey Hills and Circular Head. He left the party lately conciliated in Launceston: they were cheerful, and expected their proposed voyage to the islands with great glee. They spoke of their past outrages without reluctance, which they justified by relating the cruelties they had suffered.

The Governor was anxious to notice every instance of intrepidity and kindness: it is the coward that is ferocious. The indulgences of the crown were freely given to persons, of whatever class, who exemplified courage and humanity. Mr. Anstey, a young gentleman of the interior, was rewarded with five hundred acres. He had surprised and taken several, and the skill of his arrangements prevented the effusion of blood. In a few instances, the natives voluntarily surrendered. Mr. Charles Headlam saw two approaching, holding up their hands—thus indicating the absence of their spears: he was standing on the threshold when he remarked the signal, and immediately lowered his gun. These unfortunate beings were admitted into the house, and supplied with food; and finally conducted to a place of safety.

These feelings were occasionally damped by acts of atrocity, committed by the blacks. It is not to be supposed, however, that provocation ceased, or that the impulse given by four years conflict, could be simultaneously paralysed. The tribes frequenting the Tamar and the Forth, were represented as becoming increasingly mischievous.

The fate of Mrs. M'Alister was deeply affecting: when wounded, she ran bleeding from her dwelling: her servants carried off the children to a place of safety. The unhappy mother concealed herself, for a time, in a field of corn: unable longer to suppress her anxiety, she rushed from her hiding place, crying out for her children. She was seen by the blacks, and slain! The relater of this catastrophe concludes—"Let the sentence of extermination in their hearts, be firmly sent forth on our parts." If we shudder at such sentiments, they scarcely awaken surprise, when closing a narrative like this.

The murder of Captain Thomas and Mr. Parker, by the Big River tribe, renewed the exasperation. His servants, who had landed some provisions, gave a small portion to the natives. He was told by three of the blacks, that many were in the woods, and he resolved to follow them. Parker, who accompanied him, advised him to take his gun. As they were walking, a native snatched it away: they became alarmed and ran, and were pierced with spears. This case seemed to indicate a hopeless spirit of innate malice: Captain Thomas was known to be humane, and his object was to conciliate. The natives had, however, experienced great cruelties from the servants and others. A coroner's jury brought in a verdict of wilful murder: those charged were arrested, and committed to gaol; afterwards, they were removed to Flinders. As the vessel rounded the coast, the scene of the murder was visible, and they became extremely agitated; but the opinion of the colony was no longer favorable to executions, and the government had discovered a more excellent way.

Mr. Robinson now landed at Circular Head, and assisted by his native companions, he followed up the Big River tribe: he fell in with the party at Lake Echo; they had moved with haste, and left behind several stand of arms, a looking glass, and the gun of Captain Thomas. Other encampments were passed, but when Robinson approached them, they invariably fled. They had been to a spot twenty miles south-east of the Van Diemen's Land Company's establishment, whither they were accustomed to resort for a mineral, which is found in a decomposed bed of felspar. From this place they were followed by Robinson, who overtook them thirty miles north-west of the Peak of Teneriffe. He saw them first to the east of the Barn Bluff Mountain, and was not more than two miles distant. He hailed his people, and selected a few of his friendly natives, who,

together with the woman present at the murder of Captain Thomas, were sent to meet them. The party of Robinson were concealed by a scrub. In less than half an hour he heard the war-whoop, and perceived that they were advancing, by the rattling of their spears. This was an awful moment to their pacificator. On their approach, the chief, Manalanga, leaped on his feet in great alarm, saying that the natives were coming to spear them: he urged Mr. Robinson to run, and finding he would not, took up his rug and spears and went away. The rest of the allies prepared to follow him; but were prevailed on by Robinson to remain. They inferred, that the natives sent on the embassy of peace, were either killed, or that they had joined the hostile tribe. As these advanced, the friendly emissaries were unseen, being hidden by the larger number of the strangers, who still raised their cry, and approached in warlike array. At length Robinson saw his own people: he then went up to the chiefs and shook hands with them. He explained the object of his visit; distributed trinkets among them, and sat down and partook refreshment with them. From that time they placed themselves under his control, and as they advanced towards Hobart Town, he encouraged them to make excursions, which left their own actions free, and prevented suspicion and distrust. With their wives and children, this party consisted of thirty-six, and at length they were safely lodged on Swan Island. They were fine muscular men, and excited great interest and sympathy.

This incident suggested to the venerable artist, Mr. Dutterreau, the idea of a national picture: he depicts the interview, and delineates the various countenances, drawn from the life, with great energy and effect. Robinson is seen in expostulation with a listening chief; a woman, behind him, is endeavouring to pour distrust into his ear. Others are looking on in expectation or in doubt. The grouping is skilful and expressive; and this picture, which has the great merit of minutely representing the attitudes and customs of the natives, will be an interesting memorial, in another age, of the most honorable passage in Tasmanian history.

The results of his enterprise produced a strong impression in favor of Mr. Robinson: he had been thought rash, and even fanatical; his death had been predicted a hundred times—his success was attributed, half in jest and half in earnest, to some species of animal enchantment. The government, at the suggestion of the Committee, acknowledged his exertions, not only with warm eulogy but substantial rewards.

He received a maximum grant, in the title of which his service to the public was recorded, and was paid a salary more suited to the office he filled. Others were also liberally recompensed for their contributions to his success, of which the merit was more in its conception than in its detail.

Having shewn the possibility of conciliation, Mr. Robinson declined the further risk of his life, except on terms which would place his family beyond the reach of want. The Governor fully met his just claims, providing pensions for his wife and children, in case of his death, and promising £1,000,—£300 in hand, and the rest when all should be brought in. It was understood, that the future government of the aborigines should be entrusted to his charge, when the mission had realised its intention. The Governor granted all his requests, and spared no expense to ensure his success. The task was not accomplished for several years, but from this time the natives at large rarely appeared, and the colonists enjoyed that repose to which they so long had been strangers. His labours were attended with various and unusual perils. It was the custom of the men belonging to the Circular Head establishment, to approach the native fires, and destroy all they could not capture. One night, Robinson, with his black attendants, were on a point of land six miles from the establishment: the people were attracted by the smoke, when turning accidentally, he saw seven men cautiously creeping round: they had levelled their muskets: but for an instant recognition of his voice, his labours and his life would probably have ended.

Mr. Robinson had learned, that a large party were approaching Arthur River, on their way to their own country, and returning from a warlike expedition against those recently captured. He resolved to send four friendly blacks, and three recent converts, to open a communication with this tribe: they were to make signals, if successful. Two days after, the sign was given. On reaching the farther bank, he saw the wild natives coming towards him with their waddies and spears. He proposed that they should re-cross with him: they, however, desired him to remain, promising to hunt for his entertainment. He consented, and made them presents; but he left his son, and a small party, in the rear. He was alarmed at night by a friendly native, who being acquainted with one of the hostile tribe, had learned that it was intended to murder him and his people. Robinson concealed his knowledge from his companions, lest their fears should be too powerful to suffer their remaining with

him. The assassins extinguished their own fires, but did not lie down to sleep : Robinson kept his burning brightly, that he might watch their movement. They were earnestly chattering, and were trimming their weapons, while one of their number insisted upon the cruelty of killing the white man ! On Robinson's rising, the whole seized their spears—one grasped in their right hand, and a bundle in their left. The dogs of Robinson's party had been secured, and their spears removed ; they, however, escaped, and he was left alone. In a moment, he darted into the scrub : at this retreat, they seemed struck with astonishment ; and quickly covered by the thicket, their spears did not reach him. On clearing the scrub, he hastened to Arthur River, and crossed on a floating tree. At this instant, the natives reached the bank : he was soon joined by his own friends, and confronted the hostile party, who stood on the opposite bank flourishing their spears. Robinson cried out, that he forgave their conduct, and offered them his protection. This induced a girl and two men to join him ; but his situation was perilous, and having made fires, as if for signals, he hastened away, to deposit the proselytes in safety.

This tribe continued at large until 1834. They had determined never to be taken—to subsist upon the *quolibet* (badger), and to perish rather than yield. Finding Mr. Robinson in pursuit, they endeavoured to elude his search by false direction sticks. The blacks in his company dreaded an ambush, and declared that they should all be slain, if they proceeded further, now that their pursuit was known to the hostile tribe. Mr. Robinson, however, resolved to persevere, and soothed their fears. The march was long and harassing, the natives having divided into three parties, the better to escape. They were captured : eight in February, three in March, and in April, nine ; and were embarked at Circular Head for Launceston, and thence to Flinders' Island.

The Governor warmly congratulated the colony on its deliverance, but the numbers that remained were greater than he imagined. The abolition of martial law was deemed by some to be premature. Twenty were captured in 1834, and seventeen in 1835. Mr. Robinson, after nine months pursuit, came up with the small relics which were known to be still at large, in Middlesex Plains, and found one man, four women, and two children : they had travelled as far as the head of the Derwent. Two men, sent by Robinson with despatches from the place of their capture, were lost in the bush, and perished. It was now announced, that no more

aborigines were at large: in this, both Mr. Robinson and the government were mistaken. Rumours, for several years, were continually stirring, of blacks fleeing in the distance; of the thin smoke, the native cry, and other indications of their presence. At length it was proved, that these were not the ghosts of the departed tribes. In December, 1842, at Circular Head, seven persons were captured, and rejoined their long banished countrymen. This remnant consisted of a single family: the parents about fifty years; the rest of ages from childhood to thirty years. They were taken by a sealer, whose boat they had pilfered, and conveyed to Flinders'. They were more than usually intelligent in their appearance: they did not understand one word of English, and they had probably retained to the last the primitive manners of their race.

Mr. Robinson was a builder at Hobart Town, his family was large, and depended on his trade. It detracts nothing from his merit, while it is honorable to the government, that he was a gainer by successful humanity. The munificence of the crown, alone prevented a larger subscription by the people; he had, however, the warm and unanimous expression of public gratitude.

The character of his mission was supported by his conduct. He went unarmed, and if the natives approached him at all, they were devoid of fear and therefore of ferocity. He plunged into the heart of the forest, assumed the habits of a wanderer, and continued his absence for months together. He shared the danger of his allies, and confided in their affection: he encouraged their sports, and so far as could a white man, without debasement, he became one among them. Hitherto the English had dealt treacherously, and rarely approached their camps, but to oppress, to mock, or to destroy them. They now discovered, that all were not enemies, and kindness was felt more powerfully by contrast. It is said by Backhouse, that Robinson acted under a sense of religious duty; by Mann, that he was a fatalist or predestinarian: he was calumniated by the base and the envious: the ascendancy he acquired over the natives, the Christian philosopher can easily comprehend. The effect of "good will to men," is peace on earth. Moral courage, united with generosity, often overpowers the suspicion and hostility, of even the most barbarous. The coward dies, while the man of bold spirit dissipates the clouds of distrust, and wakens in others the confidence he himself cherishes. Nor is it necessary for the writer to observe, that Divine Provi-

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dence gives back often, the "hazard of their lives," to the resolute in right, or that an omnipotent protector attends the footsteps of the merciful.

Thus, in their harassing life, parents and children had been divided, and families had been broken up in melancholy confusion: indeed, they had ceased to be tribes, and became what they were called—mobs of natives, composed often of hereditary enemies. Infanticide and distress, rapid flight, and all the casualties of a protracted conflict, threatened them with speedy destruction. Had not Robinson appeared, the last savage, hopeless of peace or safety, would have perished with his weapon in his hand. It was a great deliverance to this colony, as well as to the native. From the Windmill-hill at Launceston, whence a wide and beautiful country is visible, the spectator could discern the site of twenty aboriginal murders—settlers, servants, and infants; the aged and the kind had fallen, as well as the base hearted and cruel. It was something to know, that the fatal hand, which no precaution could resist, would be raised no more.

It was, indeed, a mournful spectacle: the last Tasmanian quitting the shores of his ancestors: forty years before, the first settler had erected his encampment! A change so rapid in the relations of a people to the soil, will scarcely find a parallel in this world's history; but that banishment which, if originally contrived, had been an atrocious crime, was at last an act of mercy—the tardy humanity of Englishmen, which rescued a remnant, extenuated the dishonor of their cruelty to the race. As for Mr. Robinson, he enjoyed, not only the bounty of the government, but the affection of the natives—and the applause of all good men. His name will be had in everlasting remembrance: happier still, if numbered by the judge of all among his followers, who came "not to destroy men's lives, but to save them."*

* It would be difficult, however, to believe Mr. Robinson was not satirical, when he wrote as follows;—

"The system adopted toward the aborigines of this territory is quite original. History does not furnish an instance, where *a whole nation has been removed by so mild and humane a policy!*"—*Report H. Commons—Aborigines, 1835.*

SECTION VIII.

DURING the progress of these captures, the question of future disposal was slowly determined. Those lodged on Gun Carriage Island, through injudicious restraint or want of pure water, or melancholy, rapidly decreased. The government was bound to seek for them a more salubrious prison, or to restore them to the main land : an event, which would have ensured their immediate destruction. Maria Island, recommended both by Mr. Robinson and Mr. Bedford, was desirable, as contiguous ; but nothing could prevent an escape to the colony. Kent's Group, on the coast of New Holland, was next proposed ; but the passage is difficult, and between the islands, said the sailor witness, " the sea pours like a sluice, and the winds drive through like a funnel." Then came King's Island, situated 140 miles north of Van Diemen's Land ; but it was said to be infested with badgers and bandicoots, and that the natives would retire into the woods, and be no more found. Such was the extent of official knowledge, in reference to these dependencies, that to select a spot it was necessary to appoint a special survey ; but although the natives were fast dying, the vessel destined to this service was first sent for a cargo of timber !

Captain Jackson having visited the Straits, recommended Flinders', sometimes called Great Island. The aborigines who joined in this visit, were delighted with the country : they returned to their companions with the spoils of hunting, and celebrated their good fortune in songs. A soldier, who accompanied the party, wholly differed from this report : he said the climate was bleak, the soil sterile, and destitute of springs ; and his objections, though attributed to malice, have been confirmed by experience. After much deliberation, Flinders' Island was preferred.

The Chief Justice, Sir John Pedder, opposed the removal altogether : too truly he judged, it would be followed by rapid extinction. In denying to the aboriginal remnant an asylum within the country of their forefathers, we inflicted the last penalty which can fall on a race, whose lives the victors condescend to spare. It was too late, however, to repent ; and pioneers were forwarded to the place of exile. The usual fatality attended the first choice of a township, but in 1832 Mr. Backhouse, at Colonel Arthur's request, proceeded to Flinders', where the station was finally chosen ; it was called, *Wybalenna*,—the " Black Man's

Village." The natives were under disguised military control, but were exceedingly docile and submissive. Cottages were erected for their use. The women found some amusement in sweeping their houses, and depositing or replacing the articles of their furniture—their beds, bedsteads, tables, and stools: they washed the garments of their husbands; who, when they had occasion to complain, threatened to work for themselves. They had seen the wives of the soldiers washing, and inferred that this exercise was the special privilege of women.

The acting commandant, in 1832, reported them as in the highest health and spirits, full of intelligence, advancing step by step towards civilisation: so they were described, and such was their aspect. They were furnished with every article of domestic use, far more numerous than usually fall to the lot of the English cottager, and which, to an Irish peasant, would suggest the idea of shopkeeping: the men, dressed in duck clothing and Scotch caps, voluntarily appeared with the soldiers, and presented their necessities for inspection.

A large group watched the landing of Mr. Backhouse in silence; but when invited, they rose up and shook hands; and when told that provisions had arrived, they set up shouts of joy: they wore clothing, except in their dances, which they held thrice a-week, after sun set; they exhibited much cheerfulness, affability, and mutual kindness, and no great deficiency of either physical or intellectual power.

The system pursued by Mr. Robinson at Flinders', is minutely described in papers published by the House of Commons. The establishment of—

1. An aboriginal fund. 2. A circulating medium. 3. An aboriginal police. 4. A weekly market: and 5. A weekly periodical.

The first four of these measures succeeded: the periodical was *not* successful! but Mr. Robinson established a respectable currency: he made the natives purchase all articles except food; and once, when the supply of tobacco was scanty, it rose to the price of 32s. per lb.! They were too prone to dilapidate and destroy their dwellings; they were therefore required to pay for the locks, cupboards, and doors. They were instructed in the Christian religion, and displayed considerable aptitude; but of some, it is remarked, that they were inattentive to learning, and fond of the chase!

The civil and religious administration of Flinders' Island has been often changed, and subject to factions and disputes. The stories which float in the colony, respecting the little

empire of *Wybalenna*, are grotesque and humorous. No modern author will venture to look into the abyss of despatches, which develop its policy. To arrive at the truth would require an amount of labour, perhaps not beyond its intrinsic worth, but involving large discussions and questions not without peril. Mr. Backhouse, before leaving the colony, renewed his visit as the envoy of the government, to heal divisions which had broken out with virulence between the ecclesiastical and civil powers. He observes, that they principally resulted from misunderstandings, and with this caution we resign them to the curious of some other age. It may, however, be satisfactory to know, that in the order of succession, Messrs. Darling, Robinson, Drs. Jeanneret and Milligan, have been commandants, and that Mr. Wilkinson, Rev. Mr. Dove, and Mr. Clark, have filled the office of chaplain.

The religious manifestations of the aborigines are differently estimated by different minds: by some, considered purely mechanical and imitative; by others, as the simple expressions of a genuine piety. The evidence of their worth, would depend greatly on accompanying moral developments. The piety of a proselyted heathen is like that of a child, more in sensibility than concatenated dogmata: they repeated a creed, only partially understood; but they also became conscious of a Superior Power, and a nobler destiny. The highly intelligent appreciation of religious knowledge, attributed by their guardians, did not appear to the casual visitor; and was probably, unconsciously, coloured. It does not pertain to this work to examine the evidence of their personal religion, which, however, sometimes had a conservative influence in life, and to several yielded consolation in their last hours.

In 1835, Mr. Robinson entered on his office as commandant: believing that his mission was accomplished, he gathered the people together, and made a feast, in which they were to forget the animosities of their tribes, and join as one family. Scarcely was this union effected, when the occupation of Port Phillip drew attention to the aborigines of New Holland. Mr. Wedge, who visited that country, made known to the government the barbarity of the monstrous whites; who, so soon as they touched those shores, wantonly stained their hands with native blood. To that gentleman we owe our ability to trace to its origin, an extermination which has kept pace with the colonisation of that region.

Mr. Robinson proposed to remove the natives of Tasmania, then eighty-two persons, to Port Phillip. It was expected that their presence would excite the curiosity, and stimulate the civilisation of the New Hollanders; that possession of a flock, then 1,300 in number, would give useful ideas of the bounty of their benefactors. It had been thought desirable to reward the aboriginal guides, and one hundred ewes and three rams were forwarded to the establishment, to be distributed among them: a large addition was made by private benevolence. The increase of their flock, became a source of temporary profit to the natives: the wool was brought to Launceston, and exchanged for haberdashery, and other articles of domestic use.

The British government, after much hesitation, fearful of its consequences to the Tasmanians, consented to their removal. In 1838, Mr. Robinson received the appointment of Chief Protector to the Aborigines of New Holland: the nature or the utility of that office, does not belong to this work to discuss. By treaty with Sir George Gipps, the government of Van Diemen's Land agreed to pay a sum annually for each ten who might survive. The deportation was sanctioned by the blacks themselves: the certificate, which bears their signatures, might be supposed to represent a congress of heroes, or the pack of a huntsman—names, which are chiefly borne by dogs and princes.* They were anxious for the change, but quite incapable of estimating its results. A party of twenty-two therefore accompanied Mr. Robinson, but the issue was disastrous: called away by the duties of his office, he could not extend to them a proper supervision: they were again exposed, in another land, to their old adversaries and seducers, the stock-keepers: they were too few to form a village, and death thinned their numbers: two returned to Van Diemen's Land, and afterwards to Flinders'. Of the rest, two were executed for murder. Mr. Batman had in his house at Port Phillip, a native woman and two boys; but the New Hollanders were rather the objects of aversion than sympathy: and, fearful of their violence, the Tasmanians avoided their company, and showed no disposition to forsake their protector.

During the whole period of their residence at Flinders' Island, it does not appear that any white man on the sta-

* Achilles, Ajax, Buonaparte, King George, Hannibal, Peter Pindar, Neptune, Tippoo Saib, Washington. A few only bore the names of ordinary mortals.

tion, or even of their own colour, had preferred a criminal charge against one of them. The commandant, as magistrate, possessed a summary jurisdiction ; and the restrictions in his court he could supplement with the forms and ensignia of power. A late commandant, when he sentenced to small penalties for petty offences, sat at night ; and to impress their imaginations, the hall of justice was guarded with drawn swords.

SECTION IX.

THE advances towards the final extinction of the natives, have been more rapid than was expected ; but the certainty of that event was never the subject of doubt. Sir George Murray, on the 5th November, 1839, anticipated, and wrote down their fate ; and inferred, from their decrease, that at no distant period the whole race would become extinct : but he declared that the adoption of any course of conduct, with this design, either avowed or secret, would leave an indelible stain upon the government of Great Britain ! It will be seen, however, that the progress of decay was never arrested for a moment. The mortality at Bruné and Swan Islands was not less than at Flinders' ; but from 1832, a regular account has been preserved.*

Of the forty-five landed at Oyster Bay, in 1847, thirteen

* *Return of Aborigines at Flinders' Island, Number of Deaths, &c.*

Date.	Captured.	Died.	Escaped.
1831	54	—	—
1832	68	5	—
1833	42	40	3
1834	20	14	—
1835	17	14	—
	201	73	3

The numbers were—

In 1836
123

In 1838
82

In 1847
45

were men, twenty-two women, and ten children. Such has been the progress of their decline, and with numbers so inconsiderable, the problem of their fate is solved.

The original amount of the natives has been a question much debated: like a procession in a circle, a population in motion, when not personally distinguished, will appear more numerous than the actual census. Mr. Kelly, who often had passed the coasts, calculated them at, originally, 7,000, but he guessed their number to be 5,000 in 1830: the obvious error of the last estimate, would naturally suggest a doubt with reference to the former. Several hundreds were, however, seen in one assembly, within the last thirty years. At Hobart Town and Launceston, from one to two hundred have appeared together. It was their custom to distribute themselves in parties, of from forty to fifty each. Their fires, kindled on the sea shore, were often left burning, when they had moved on to the next stage; and those who saw the flames from ship-board, concluded that aborigines were lying around them, and thus telling their numbers by the fires, they were often greatly deceived. The rapidity of their movements led to the same mistake: they appeared at places sufficient to establish an *alibi*, according to the current measures of distance. They had innumerable paths which shorten a journey, then unknown to the English: it was thus, that they were twice reckoned, even when carefully counted. No reliance, however, will be placed by persons of experience on the rumour of numbers. Nearly all who report an assembly, judge by imagination rather than minute inspection; thus, mobs are spoken of as tens or hundreds of thousands, without any intention to mislead. It will be the hope of the humane, that the lowest estimate is the true one: it can hardly be doubted, however, that they were originally from 4,000 to 5,000: they were estimated by Mr. Robinson at 700, when he commenced his mission; 203 were captured—many, in the mean time, fell by unknown violence and perpetual persecution: a thousand muskets were charged for their destruction.

The causes of their diminution in Tasmania have been already stated; but some of these continued their operation even after the capture: their natural consequences followed. Towards the last days of their savage life, the sexes were disproportionate, although the balance was partly restored by associating the women who had been longer in captivity, with the men whose wives had died; but many of these women had become licentious, and by an extraordinary

oversight the government permitted unmarried convicts and others to have them in charge, or to assist in the preliminary labor of their establishment: the result need not be told. The infant children had perished, by the misery or contrivance of their parents: thus in 1838, of eighty-two there were only fourteen children, and of the remainder, eight had attained the usual term of human life: many who surrendered, were exhausted by sickness, fatigue, and decrepitude. They were the worn out relics of their nation, and they came in to lie down and die.

The assumption of clothing occasioned many deaths: they were sometimes drenched with rain—perspiration was repressed, and inflammatory diseases followed: the licentiousness, and occasional want of the few last years, generated disorders, which a cold brought to a crisis. Among savages, the blanket has sometimes slain more than the sword: it destroyed the Indian of North America, and even threatened the New Zealander with a similar fate.* The abundant supply of food, and which followed destitution, tended to the same result: it was a different diet. The habits of the chase were superseded, and perhaps discouraged: the violent action to which they had been accustomed; the dancing, shouting, hurling the waddy and the spear—climbing for the opossum—diving, and leaping from rock to rock—assisted the animal functions, and developed muscular power. To continue them required the occasion, as well as the permission; but the stimulus was gone.

It is said, by writers not favorable to the establishment at Flinders', that attempts to force the customs and habits of a civilised people were unreasonably, and even ridiculously severe. However docile the blacks, and generous the intention of their teachers, the physical effects of a total change in the habits of a race are not to be disputed, or that what may be harmless when the result of choice, and founded on new mental and physical stimulants, is dangerous when the mind is vacant, and the objects of civilised exertion unappreciated. Perhaps, no one is blameable. In their social circumstances, we may indeed trace the occasion of decay, but they were no longer produced by cruelty.

There were, other causes. The site of the settlement was unhealthy: they were often destitute of good water; the

* The Bishop of New Zealand has wisely protested against the blanketing process of depopulation. The ignorant natives, accustomed to lie down in their damp huts, were steamed into consumptions.

tanks preserved an insufficient supply. It is admitted that they frequently suffered this lack; but it is stated, that they had sufficient allowed them when sick!

It is, however, clear, that many perished by that strange disease, so often fatal to the soldiers and peasants of Switzerland, who die in foreign lands from regret of their native country. They were within sight of Tasmania, and as they beheld its not distant but forbidden shore, they were often deeply melancholy: to this point the testimony of Mr. Robinson is decisive, though not solitary.* They suffered much from mental irritation: when taken with disease, they often refused sustenance, and died in delirium. The wife, or the husband in perfect health, when bereaved, would immediately sicken, and rapidly pine away.†

Count Strzelecki has propounded a curious notion of the laws of extinction, in reference to this race. He states that the mother of a half-caste can never produce a black child, and thus the race dies. His statement would need the most positive and uniform testimony; but it may be added to the curiosities of literature. The decrease of population among the inferior race, when harassed or licentious, is certain; but surely there is nothing occult in this, or requiring further explanation than is afforded by human cruelty and vice.

* "They pine away: more than one half have died, not from any positive disease, but from a disease they (physicians) call '*home sickness*;'—a disease which is common to some Europeans, particularly the Swiss soldiers. They die from a disease of the stomach, which comes on entirely from a desire to return to their own country."—*Evidence of Col. Surgeon Barnes: Par. Papers.*

† The subjoined abbreviated list may give an idea of the rapid decline:—
Commandant's Office, Flinders' Island.

1836— DEATHS:

December 24.—The native youth, George.
30.—The native man, Nimrod.

1837—

January 28.—The native man, Columbus.

29.—The native woman, Pupedar.

February 5.—Of acute pneumonia, the native man Samuel.

20.—Of chronic visceral inflammation, the native man, Algernon.

25.—Of the same, the native man, Matthew.

26.—Of the same, native man, Omega.

29.—Of the same, native woman, Truedeberrie.

March 16.—The native woman, Tyree.

21.—The native woman, Queen Charlotte.

30.—The native woman, Manoon, ditto Maria, and an infant.

J. ALLEN, Surgeon.

June 3.—Of extreme debility, Daniel,

20.—Of inflammation in the intestines, the aboriginal native, King William.

A. AUSTIN, Medical Attendant.

—*Parliamentary Papers.*

Among those who survive, is the wife of the native Walter George Arthur, the half-caste daughter of Sarah an aboriginal woman. [Looking lately at a picture of Don Quixotte, she pointed him out as the man who fought with the wind-mill.] Her mother has a younger son, now or lately at the Queen's School, and of pure aboriginal blood. A natural law, by which the extinction of a race is predicted, will not admit of such serious deviations.

In 1844, a Finance Committee of the Legislative Council proposed the restoration of the natives to this colony. The frequent reference to head-quarters by the officers in charge, perplexed the government; who alleged that the distance permitted the oppression of the natives, and exposed them to the caprice of their guardians. The measure was delayed for four years; but in 1847, the dismissal of the commandant revived the project, and in October of that year they were landed in Van Diemen's Land, and located at Oyster Bay, once a great station of their people. The removal was unacceptable to the colonists; the outrages of former years were remembered by many, as scenes of domestic mourning. No murmur had ever been heard at the cost of their safety: it was deemed a small atonement for a national wrong: nor will it be possible to state an expenditure which the colonial public would be unwilling to sustain—to smooth the last hours of this unfortunate race. The transfer of a part to Port Phillip, had been attended with fatal consequences to several, and had ended in murder and executions: it was feared that the vicinity of their former haunts might revive their habits of wandering, and once more expose them to those gangs of felons who set no value on aboriginal life. These sentiments led to a spirited remonstrance, in which many respectable settlers concurred: the government had not anticipated opposition, or it may be presumed that a statement of the actual condition of the natives, and the provision intended for their safety, would have preceded this change in their abode. The dark shadows of former years threw doubt on their present character: happily, however, these impressions were erroneous.

The few who remain, are not likely to forsake the comforts of their home: belonging to various tribes and different dialects, particular districts do not present equal attractions to all. They have learned also to rear vegetables, and the greater number are said to be familiar with English customs. By the census, they are assigned to the Church of England; but the distinctions of theology are beyond their comprehen-

sion, and therefore their choice; and it is perhaps to be lamented, that from the period of their capture, they have not been placed entirely under the parental care of some religious communion. Those who think lightly of missionary institutions, will find here no ground for exultation in the disastrous surveillance of the civil government.

Englishmen, of whatever rank, cannot fail to survey the aboriginal youth, less in number than many a colonial household, with deep solicitude; or when estimating their claims, to remember the fortunes of their fathers. Or should their helplessness and dependence ever tempt a ruler to expose them to the corrupting influence of the lowest examples, and to assign them the meanest education, he may be recovered to some sense of justice by the following confession of a distinguished predecessor:—

“Undoubtedly, the being reduced to the necessity of driving a *simple but warlike*, and, as it now appears, NOBLE MINDED RACE, from their native hunting grounds, is a measure in itself so distressing, that I am willing to make almost any prudent sacrifice that may tend to compensate for the injuries that government is unwillingly and unavoidably the instrument of inflicting.”—GEORGE ARTHUR.*

SECTION X.

Origin.—The traditions of the natives afford no clue to their origin. They are, perhaps, a branch of the Australasian family settled in New Holland (?). *Mocha*, is the name for water among the western tribe of this island: it is known by the same sound at Cape Leeuwin, on the continent. Though boats were not employed, they constructed a catamaran of bark, or decayed wood, of the specific gravity of cork: these materials, tied together, enabled them to pass to the islands of the Straits.

Lieutenant Gunn found at Maria Island, and preserved for several months, a catamaran, sufficiently tight and strong to drift for sixteen or twenty miles: each would convey from four to seven persons. The catamaran described

* Despatch to Lord Goderich, 6th April, 1833.

by the French naturalist, found in Adventure Bay, was made of pieces of bark, and held together by cords made of grass, and assumed the appearance of meshes worked in the form of a *pentagon*. Mr. Taw, the pilot of Macquarie Harbour, saw the natives cross the river: on this occasion, a man swam on either side of the raft—formed of the bark of the “swamp tree.” The distance between the islets is not sufficient to shut us up to the notion of a local creation.* A New Holland woman, taken to Flinders’, remembered a tradition, that her ancestors had driven out the original inhabitants—the fathers, it is *conjectured*, of the Tasmanian race. History carries us back to the year 1642, and it is in vain to seek authentic information from a people destitute of records, and perpetually wandering. The time between the first visit and colonisation, was quite sufficient to obliterate the traces of earlier migrations.

Consanguinity.—A comparison of the Tasmanian with the European, would discredit a common root; but the wide spread family of man exhibits all the shades and varieties, by which the extremes are connected. Strzelecki observes, that to account for this connection, is not less vainly attempted than an explanation of the existence of marsupials: but the cases are not comparable. The difficulty, in reference to the human race, is resolved by its intermixture: nature mingles none but kindred blood.

Stature.—The man of Tasmania, is from four and a-half to five and a-half feet high. The skin is blueish black; less glossy than the native of the continent. The facial angle is from 73° to 85°. The features of the women are masculine: the mammæ become pyriform, and elongate in nursing. The hair is black, and woolly; sometimes luxuriant, occasionally long and glossy. The eyes are full: the eyelid dropping: the iris dark brown: the pupil large, and jet black. The forehead is high, narrow, and running to a peak: the malar bones are prominent, the cheeks hollow, the breast arched and full: the limbs round, lean, and muscular: the hands small; the feet flat, and turned inwards. The frame does not differ from the common structure of

* The following is worth remembering, as a caution to reviewers, as well as philosophers:—“At Port Dalrymple, in Van Diemen’s Land, there was every reason to believe, the natives were unacquainted with the use of canoes; a fact, extremely embarrassing to those who indulge themselves in speculating on the genealogy of natives: because it reduces them to the necessity of supposing, that this isolated people swam over from the main land, or that they were *aboriginal*.”—Rev. Sidney Smith, *Edin. Rev.*, 1803.

man, and by science is not pronounced inferior, according to the rules of phrenologists.*

General Appearance.—The impression made upon spectators by the Tasmanian race, has been curiously various. By some, they are said to be the lowest in their physical organisation, their mental capacity, and their social condition. Those who saw them at the same period, and compared them with the inhabitants of Port Jackson, differed entirely in their estimate. In the aged women, there was little to admire: of them, even Mr. Backhouse speaks with unwonted emotion: they reminded him of the ourang outang; they were hideous! but he thought the younger women more agreeable. Another visitor in 1830 describes them as having small hollow eyes, broad noses, nostrils widely distended; jaws like the ourang outang; thin limbs; shapeless bodies; and a hideous expression of countenance! Cook described them as having lips not remarkably thick; their noses moderately flat. Labillardière noticed a peculiar projection in the upper jaw of children, which recedes in adult age. They certainly do not correspond with our notions of beauty, but they are not inferior to millions of the human race. Among the captives, were some whose stature and port strongly impressed the spectator. Backhouse observed one especially, whose features had a Jewish cast, and reminded him of the popular pictures of Abraham! Their thin and wretched appearance, occasioned by their diet, and diseases, cannot be properly attributed to their constitution. Half starved human beings, unclothed, are ever unpleasing. Those acquainted with populous cities in Europe, have often been compelled to recognise, in the squalor and emaciation of classes, the germs of a new race. The captive blacks, when partially clothed, relieved from anxiety, and supplied with food, soon presented a new aspect; and their countenances were lighted up with cheerfulness and intelligence.

Families.—Polygamy was tolerated: women were, latterly, bigamists. Labillardière observed that one man had two wives: this philosopher was held in suspense, on the comparative happiness of their condition; true, the affections of the husband were divided—but they jointly catered for one man instead of two! It is said that they

* "In many instances (it is remarked by Count Strzelecki, p. 355) the facial angle is more acute in the white man: the superciliary ridge, the centres of ossification of the frontal bones, and the ridge of the occipital one, more developed; and the maxillary more widely expanded, than in the skulls of aborigines."

courted with flowers: an authenticated fact, proves that the female occasionally possessed a negative. *Roomata* (Bet) rejected the addresses of *Trigoonipoonata* (Jack); but she learned the worth of his affection. She was crossing a river, and became ill: he sprung to her relief, and carried her safely to land; and she became his wife.* They daily brought game to the residence of the superintendent, during his temporary absence—lest, said they, he should want on his return. The woman having been left behind, on recovery followed the tribe with the new born infant. The toil of the journey, and of the encampment, chiefly fell to her lot: she carried utensils of all kinds, except the spears. The infant was slung on the back, and suckled over the shoulder: a draftsman, in the company of Cook, drew the portrait of a young female, so burdened. The position of the child has been pronounced, without much reason, a proof of low maternal sensibility. Those who have carried children through a journey, can only imagine the amount of affection requisite to convey, often more than one, after a tribe in its rapid migrations.

Infanticide.—Infanticide was not common; although, in the latter days, when harrassed by daily conflict, the practice, was not unknown. It is stated by Leigh, that they were careful not to increase in number, and that they sold their female children. At a later period, it is said, that to suckle puppies they abandoned their offspring. Such facts are not incredible, when they relate to individuals, but are scarcely characteristic of a race: all nations have perpetrated infanticide, from necessity, or pride, or barbarism. Infant life is little valued among savages, and female children least: they run the gauntlet of a thousand perils. Fewer were born than among settled people, and more died in infancy.

Uncivilised man is ever harsh in his treatment of woman. The natives of this country were less imperious than those of Port Jackson, where the blows of the waddy solemnised matrimony. Beside the burden of travel, they chiefly hunted the opossum, and mounted the lofty trees of the Tasmanian forest. When the man condescended to give part of his spoil, he handed over his shoulder the least delectable pieces to his wife, who sat at his back. Often, however, this indulgence was refused. Mr. Horton records an in-

* Veteran novel readers will be delighted to find, that these black lovers were united by an event, which constitutes the most touching artifice of fashionable fiction.

stance of unkindness, perhaps not general, nor very uncommon: it was noon; the mother, her infant, and little boy, had been without food all day: the father refused any part of that he had provided. Another of the tribe, however, was more generous: when he handed the woman a portion, at Mr. Horton's request, before she tasted any herself, she fed her child.

They were often misunderstood; but they were sensible of domestic affections: the tribes were scattered by the last war—some were captives, others fugitives: eleven were already lodged at Richmond, when Mr. Gilbert Robertson brought up two others, a man and woman: they were recognised from afar by the party first taken; these raised the cry of welcome; it was a family meeting, and deeply moved the spectators. The parents embraced their children with rapture, and many tears.

Under an engraving of a Van Diemen's Land woman and child, from a painting by J. Webber, the *Journal of Civilisation* ventures the following:—"Contemplate the appalling picture! see her, in fact, without maternal affection! To such a mother, it would matter little to see her babe fall from her back and perish!" The woman of Van Diemen's Land, by the French artist, is most lively and maternal: her child is leaning over her head, its feet resting on her shoulders: she looks up towards it, with a strong expression of affection. Libillardiére repeatedly remarks the tenderness of the women to their children, as "very engaging." He also had a theory: but why suppose a black woman below a tigress, in the scale of maternity. The law of nature, deadened by circumstances, but which is even strong in the brute, was not inactive in their hearts. In every country, it is individually variable.

There is a grave in a garden at Ben Lomond: Mr. Batman, the morning after its little tenant was deposited, walked up to the spot; but although he went at sunrise, one person was earlier: a Tasmanian woman; who sat by the grave, and wept. It was the mother.

Half-caste.—The half-caste children were oftener destroyed. A woman, who had immolated an infant of mixed origin, excused herself by saying it was not a *pretty* baby; this was, however, far from universal, and more commonly the act of the tribe than of the mother. A native woman, who had an infant of this class, fell accidentally into the hands of her tribe: they tore the child from her arms, and threw it into the flames. The mother instantly

snatched it from death, and quick as lightning dashed into the bush; where she concealed herself, until she made her escape. The injuries she received were, however, fatal. An elder daughter, called Miss Dalrymple, was the first half-caste child born in the colony: she was remarkably prepossessing: her eyes black, her skin copper-colored, her cheeks rosy, and her limbs admirably modelled: she was adopted by a settler.

A considerable number of such children grew up in the island; but they were neglected by their parents, and often inherited the vices or barbarism of both. The females were early debased, and presented spectacles of nakedness and misery. When the Orphan School was formed, a few children were admitted at the government charge; of these, a fragment survive.

A half-caste couple were married recently at Launceston: the expression of their countenances was extremely pleasing. They had been sent up from the Straits to obtain a legal sanction to their union, and they went through the ceremony with much sensibility. There is a register in St. John's Church, Launceston, of the marriage of an aboriginal pair in 1829; the first ever celebrated in the face of the church.

Tribes.—Their tribes were distinct: they were known as the Oyster Bay, the Big River, the Stony Creek, and the Western. There were smaller sub-divisions; but those enumerated were divided by dialects, and well-established boundaries. Their chiefs were merely heads of families, and distinguished by their strength or cunning: they were thought to possess very trifling and uncertain control. It is said, that a notorious bushranger (Howe) fell in with a tribe: he assisted his companions in lifting a boat, but as he appeared in command, the chief checked him for lowering his dignity—a sovereign instinct, which shews the heart of a true prince. When the chiefs accompanied white men in their sports, and were requested to carry their spoil, they often manifested disdain and reluctance. Little is known of their policy, and probably there was but little to be known. The natives lived in harmony with each other, or when they quarrelled they decided by the weight of their waddies, and the thickness of their skulls. The aggressions of other tribes were punished by reprisals, but they rarely pursued a foe. Offences among themselves were treated according to their supposed enormity: the culprit had to stand while a certain number of spears were thrown at him. By this ordeal he was cleared, and the keenness of his eye and the agility of

his motions, usually enabled him to escape a fatal wound. Faults, of slighter consequence, were punished without damage: the transgressor was set on the branch of a tree, and had to endure the mockery of the by-standers. It may be gratifying to discover such an example, in favor of the pillory!

Huts.—Their locomotion was predetermined, and their encampments regularly chosen; generally on the banks of a river or a lagoon. Each family had its fire; hunted separately, and erected a hut for its own accommodation. On the mountains, and beside the sea shore, they lodged in caverns; or where these were not found, as in the open country, they reared huts, or rather screens: these were of bark, half-circular, gathered at the top, and supported by stakes: in the front they kindled a fire. These huts formed rude villages, and were seen from seventeen to forty together. The former number being raised by a tribe of seventy, from four to five must have lodged under one shelter. Some, found at the westward, were permanent: they were like bee-hives, and thatched: several such were seen by Jorgenson, on the western shore—strong, and apparently erected for long use. They drew water for the sick in shells: the robust threw themselves on the bank, and drank as they lay. Boiled water was not used in their primitive state; it is said to have been unknown. This is scarcely credible: a heated shell or stone, filled by rain water, might have discovered the secret. They preserved their fire, usually by carrying a brand; if this was extinguished, they replaced it by going back to their last encampment, where the fuel still smouldered. It is said, that they were not ignorant of producing fire by friction.

Food.—Their appetite was voracious: a woman was watched one day, during which, beside a double ration of bread, she devoured more than fifty eggs, as large as those of a duck. Mr. O'Connor saw a child, eight years old, eat a kangaroo rat, and attack a cray-fish. The game they cast into the fire, and when singed drew it out and extracted the entrails; it was then returned to the embers, and when thoroughly warmed, the process was completed. They were acquainted with the common expedient of savage nations, who pass from repletion to hunger: they tightened a girdle of kangaroo skin, which they wore when otherwise naked. Fat they detested; some tribes also rejected the male, and others the female wallaby, as food: the cause is unknown. A few vegetable productions, as the

native potatoe, and a fungus, which forces up the ground, called native bread, and which tastes like cold boiled rice; the fern and grass-tree, also yielded them food. White caterpillars and ant eggs, and several other productions, supplemented their ordinary diet. The animals on which they subsisted chiefly, were the emu, kangaroo, wallaby, and the opossum: the latter living in trees. They obtained a liquor from the cyder tree (*eucalyptus*), which grows on the Shannon, and elsewhere: it is tapped like the maple; its juice, of the taste of molasses, trickled down into a hole at the foot of the tree, and was covered with a stone. By a natural fermentation, it became slightly intoxicating; and in early days was liked by the stockmen.

During the winter, the natives visited the sea shore: they disappeared from the settled districts about June, and returned in October. The women were accustomed to dive for shell fish, which they placed in a rude basket, tied round the waist. On these marine stations (as at Pieman's River on the west coast), their huts were constructed with more care. Heaps of oyster shells, which seem to be the accumulation of ages, still attest their dependence on the abundance of the sea.

Dress and Ornaments.—In summer, they were entirely naked: in the winter, they protected the shoulders and the waist by a dried skin of kangaroo. The women wore the same, with the addition of ruffles. The dress of Europeans greatly distressed them: they endured it no longer than their visit; yet they were sensible of cold, and could bear less exposure to the weather than Englishmen. They sat close to their fires; and, during days of rain, continued under shelter. The men wore, on the head, grease mixed with ochre—a sort of plumbago, found at the Hampshire Hills: it was used partly for ornament, and partly as a substitute for cleanliness. Bits of wood, feathers, flowers, and kangaroo teeth, were inserted in the hair, which was separated into tufts, rolled and matted together. This decoration was denied the women: their hair was cropped close, with sharp crystal; some on the one side of the head only, in others like the tonsure of the priest. They were accustomed to ornament the body by several methods, differing perhaps with different tribes. Patches of ochre and grease formed a considerable portion of their adornment. With a shining mineral they drew symmetrical lines on the neck, shoulders and face, and various parts of the body; in some cases they resembled epaulettes, in others they imitated the eye: they also

made incisions, which they kept open by grease, till the skin was raised, and the process complete: the torment they endured with great fortitude, and affected indifference. *Penderome*, the brother of a western chief, underwent this operation, which was performed by a woman with broken glass. The flesh of his shoulder opened like crimped fish; but he interrupted the process by antics and laughter. They wore a necklace called *merrina*; it was principally composed of pearly blue shells, bored by the eye tooth, and strung on the sinews of kangaroo. These shells were cleansed by the acid of wood steam, and received a high polish.

Arms and Implements.—Their utensils and weapons were simple: the baskets, formed of grass, described by Furneaux, were not afterwards improved, but they answered the end. The waddy was a short piece of wood, reduced and notched towards the grasp, and slightly rounded at the point. The spear, nine or ten feet long, was pointed at the larger end, straightened by the teeth, and balanced with great nicety. The spearman, while poisoning the weapon, held others in his left hand, prepared for instant use: the spear, thus poised, seemed for a few seconds to spin, and it would strike at sixty yards, with an unerring aim. Labillardière describes it well: the warrior grasped it in the middle; raised it as high as his head; drew it towards himself with a jerk, that gave a tremulous motion at the extremities, which accelerated its progress, and tended to support it longer on the column of air; it was darted at 100 paces, and remained in a horizontal position for three-fourths of the distance. The children were early trained to the exercise: Lieutenant Breton saw a child, five years old, throw a stick through the ring affixed to the wall of the gaol, with great precision.

A chief, confined in Hobart Town gaol, taken on the Shannon, exhibited these feats of quickness and strength. He would spring up into the air five feet, and reel round and round, with uncommon rapidity. He threw a broomstick, at twelve yards distance, through a hole in the sentry box, of but little larger diameter; and a lath, cast at thirty yards, pierced a hat through and through. They used no throwing stick, or sling.

In the estimation of Europeans, their practice in war was savage and cowardly: "they do not, like an Englishman," complained a colonial writer, "give notice before they strike." The perfection of war, in their esteem, was ambush and surprise; but an intelligent observer sometimes saw considerable cleverness in their tactics. Mr. Franks was on

horseback, driving cattle homeward: he saw eight blacks forming a line behind him, to prevent his retreat; each with an uplifted spear, besides a bundle in the left hand. They then dropped on one knee, still holding the weapon in menace; then they rose and ran towards him in exact order: while they distracted his attention by their evolutions, other blacks gathered from all quarters, and within thirty yards a savage stood with his spear quivering in the air. This weapon, ten feet long, penetrated the flap of the saddle, and the flesh of the horse four inches, which dropped on his hind quarters. The rider was in despair; but the spear fell, and the animal recovered his feet and fled. The servant, less fortunate than his master, was found some days after, slain. The attack was well planned, and exhibited all the elements of military science!

A tribe, who attacked the premises of Mr. Jones, in 1819, at the Macquarie, were led by a chief six feet high: he carried *one* spear, of a peculiar form, and no other kind of weapon: this he did not use, but stood aloof from the rest, and issued his orders with great calmness, which were implicitly obeyed. They formed themselves in a "*half moon ring*," and attacked the English with great vigour. The chief was shot: they were struck with dismay, and endeavoured to make him stand; "they made a frightful noise, looked up to heaven, and smote their breasts!"*

The wars among them latterly, provoked by driving one tribe on the boundaries of another, were not infrequent; as everywhere, women were the cause and object of strife. The tribes to the westward were the finer race: those from South Cape to Cape Grim, had better huts, and they wore mocassins on travel. Those on the east of the Launceston road were confederate: towards the last, the Oyster Bay tribe committed their children to the care of the Big River tribe, many of whom had been slain by the western tribes, as well as by the English. It was this which increased the difficulties of their conciliation: they had not only to be reconciled to the English, but to each other. They were bold and warlike in their carriage, and when exhibiting spear exercise, commanded the admiration of the spectator.

Agility and Dexterity.—Their skill was chiefly exerted in obtaining their food: they were agile and dextrous. The opossum was hunted by the women, who by a glance discovered if the animal were to be found in the tree. They

* Report of Mr. Jones to Governor Arthur.

ascended trees of a tremendous height: they first threw round the trunk a rope, twice its girth, which they held in the centre, and by the left end, in one hand: having cut the first notch for the toe, they raised themselves up by the rope, in an attitude sufficiently perpendicular to carry the hatchet or stone on the head. They then cut a second, and by a jerk of the bight of the rope, raised it up: thus, step by step, they reached the branch, over which the loose end of the rope being cast, they were enabled to draw themselves round. It is stated by Backhouse, that they only required these notches at the bottom of the tree; and they dispensed with them as the bark became smooth, and the diameter diminished. They ascended almost as rapidly as with a ladder, and came down more quickly. When the ropes were of skin, or more perishable materials, the accidents must have been many and terrible. This feat required considerable muscular strength, and in the weak produced great physical exhaustion. They were swift of foot: when they possessed dogs, they ran nearly abreast of them; stimulated them by imitating the cry of the kangaroo, and were generally in at the death. Their former practice was to fire the brush-wood, in which the game had sought shelter, and which they speared when driven out by the flames. This practice was wasteful; besides exposing them to the charge of arson, when they were only following the customs of the chase.

Their ability to conceal themselves, assisted by their color, proved the quickness of their eye, and the agility of their limbs. A shooting party approached a native camp near the Clyde, and found they had just abandoned their half-cooked opossums and their spears: excepting a small group of wattle bushes, at the distance of ten yards, the ground was free of all but the lofty trees: the travellers immediately scoured this thicket, but on turning round they, in great astonishment, discovered that opossums and spears were all gone. It was the work of a moment, but traces of aborigines were unseen.*

Corrobberies and Dances.—Their general assemblies were attended by great numbers: at these meetings they raised large fires, and continued dancing till midnight. They first

* "I remember a fellow of the 'Grimaldi' breed: he undertook, on a fine summer's evening, to place himself among the tree stumps of a field, so that not two of a large party should agree as to his identity. He reclined like a Roman on his elbow, projected his arm as if a small branch, and drew down his head. No one could tell which was the living stump, and were obliged to call him to come out and shew himself."—*Dr. Ross's "Fourteen years ago."*

began their movement round the pyre, with slow steps and soft tunes: as they advanced more quickly, their voices became more sharp and loud: they closed in upon the fire, and leaping close to the flame appeared in considerable peril. These movements they continued; shrieking and whooping until thoroughly exhausted. It is hardly possible for the imagination to picture a scene more infernal.

A gentleman, on guard during the black war, watched a small group in the gaol yard round their night fires. One of them raised his hands, and moved them slowly in a horizontal direction; and spreading, as if forming an imaginary fan or quarter-circle: he turned his head from side to side, raising one eye to the sky, where an eagle hawk was soaring. The action was accompanied by words, repeated with unusual emotion: at length they all rose up together, and uttered loud cries. The whole action had the appearance of an incantation.

The dances were various. The emu dance, was intended to represent the motions of that bird: the horse dance, necessarily modern, was performed by their trotting after each other, in a stooping posture, and holding the foremost by the loins: the thunder-and-lightning dance was merely stamping the ground. Their amusements were childish, and boisterous; but they applauded themselves with the invariable phrase, "*narracoopa*"—very good.

They felt the incumbrance of clothing, when exhibiting their feats: the permission to strip was embraced with great gladness. They gradually wrought themselves into the most extravagant excitement: their pleasure was in activity.

Language.—Their language varied: the four principal tribes had different dialects. When they met at Flinders', communication was difficult, yet their songs were the same. The language has never been reduced to rules, though vocabularies have been collected by Jorgenson, and others. The Rev. Mr. Dove furnished some additional information; but though the specimens establish an affinity in these dialects, the results are otherwise unimportant. The vowels greatly predominate: the *r* is sounded rough, and lingering. The words are frequently liquid and melodious. At Flinders' Island, the language was a mixture of several; broken English, New Holland, and Tasmanian words formed the currency of the island. In English, they dropped the *d* and *s*; thus sugar is tugar, and doctor is togata. As with other barbarians, who have enjoyed the benefit of our instructions, the epithets of licentiousness and insult were most current,

and most aptly applied. Strangers to abstract ideas, their words expressed the most common objects, sensations, and wants. Their songs, which reminded Labillardière of the music of the Arabs of Asia Minor, were exceedingly soft and plaintive; their voices not wanting in melody. They repeated the same note in soft and liquid syllables; descended to the second bar, and finished with a third above the key note. They sometimes varied, by suddenly running into the octave. Their strains were considered, by a Scotchman, a close resemblance to the Highland bagpipe. The stanzas they repeated again and again: none have been translated, for which, it is said, they are unfit.*

Intellect.—Their intellectual character is low; yet not so inferior as often described. They appeared stupid, when addressed on subjects which had no relation to their mode of life; but they were quick and cunning within their own sphere. A country not producing any animal capable of service; where nothing is sharper than stone; destitute of grain, and of fruits of any value, could be inhabited only by a wandering race. Their locomotion sharpened their powers of observation, without much increasing their ideas. In such circumstances, mind may degenerate, but it cannot advance. Some colonists were recently startled, by the appearance of a white family from the remote interior: they were found by a surveyor, who at first took them for savages; they had the animal expression of the eye, which is so common to uncivilised people.

The inferiority of the aboriginal mind is not to be denied. Intellectual power is both hereditary and improvable: the exaltation of a generation of men gives the infancy of the next a more forward starting point—what was individual is diffused, until it becomes characteristic of the race.

They were fond of imitation, and humour: they had their drolls and mountebanks: they were able to seize the peculiarities of individuals, and exhibit them with considerable force.†

* Song of Ben Lomond:—

“ Ne popula raina pogana
 Thu me gunnea
 Naina kaipa raina pogana
 Naara paara powella paara.

Ballahoo,

Hoo hoo,

War whoop (very guttural).”

—*Tas. Journal.*

† This is common to the race: there is one now at Geelong, whose imitations enabled the spectator at once to guess the person intended.

In several parts of the colony rude drawings have been discovered. Cattle, kangaroo, and dogs, were traced in charcoal. These attempts were exceedingly rude, and sometimes the artist was wholly unintelligible. At Belvoir Vale, the natives saw the Company's two carts, drawn by six oxen: they drew on bark the wheels, and the drivers with their whips. They were the first that ever passed that region.

Disposition.—They were cruel in their resentment; but not prone to violence: that they did not shorten the sufferings of animals taken for food, will hardly be considered by sportsmen decisive evidence against them. They were not ungrateful; especially for medical relief, which appeared a favor more unequivocal than presents of food.

A little boy, captured by a surveyor in 1828, when seen, sprang into the water, where he remained for a long time: at first, he was greatly alarmed, but soon became contented. He pointed to the lady of the house as a *lubra*. Entering a room, where a young lady was seated, he was told to kiss her: after long hesitation, he went up to her; laid his fingers gently on her cheek, then kissed them, and ran out!

Some captives, taken by Mr. Batman, were lodged in the gaol: they became strongly attached to the javelin man: they were treated by the gaoler with studious compassion, and they *left the prison with tears!*

The English were seen by some friendly natives to draught the toad fish, which is poison, and by which several have perished: the natives perceiving its preparation for food, endeavoured to shew, by gestures, that it was not to be eaten, and exhibited its effects by the semblance of death. Not very long after, a native was shewn a pistol, which a white man snapped at his own ear; and who, giving the unfortunate black one shot, encouraged him to perform the same manœuvre; he was thus murdered by his own hands. The natives were variable, from ignorance and distrust; probably from mental puerility: thus, their war whoop and defiance were soon succeeded by shouts of laughter.

Religious Ideas.—Their religious ideas were exceedingly meagre and uncertain. To Mr. Horton's enquiries, in 1821, they answered, "don't know," with broad grins: he was probably not understood. They appear to have had no religious rites, and few congenial ideas: they dreaded darkness, and feared to wander from their fires: they recognised a malignant spirit, and attributed strong emotions to the devil. The feats imputed to his agency, do not much differ from the

sensations of night-mare : they believed him to be *white*—a notion supported by very substantial reasons, and suggested by their national experience : this idea must have been modern. They ascribed extraordinary convulsions to this malignant power, and to his influence they traced madness. Lord Monobodo might have contrived their account of the creation : they were formed with tails, and without knee-joints, by a benevolent being : another descended from heaven, and compassionating the sufferers, cut off the tail ; and with grease softened the knees.

As to a future state, they expected to re-appear on an island in the Straits, and “to jump up white men.” They anticipated in another life the full enjoyment of what they coveted in this. These scraps of theology, when not clearly European, are of doubtful origin : nothing seems certain, except that they dreaded mischief, from demons of darkness. Though they had no idols, they possessed some notions of statuary : it was sufficiently rude. They selected stones, about ten inches high, to represent absent friends ; one of greater dimensions than common, Backhouse observed that they called Mother Brown.

Persons of sanguine minds are apt to attribute to them religious ideas, which they never possessed in their original state. The notion of a spirit, however, exists on the continent : in this, the Tasmanian black participated. Their ideas were extremely indefinite, and will not refute, or much support the belief, that the recognition of a Divinity is an universal tradition.

The Sick.—They suffered from several diseases, which were often fatal. Rheumatism and inflammations were cured by incisions : the loathsome eruption, called the native leprosy, they relieved by wallowing in ashes : the catarrh was very destructive, in certain seasons ; a whole tribe on the Huon perished, except one woman. The native doctor said, that it was the *devil* that killed them : the woman described the process by feigned coughing. Their surgery was simple : they cut gashes with crystal. They treated a snake bite by boring the wound with a charred peg ; stuffed it with fur, and then singed off the surplus to the level of the skin. They had faith in charms : thigh bones were especially useful, and were fastened on the head in a triangle : these relics were found very effectual. There were some who practised more than others, and therefore called doctors by the English : one of these feigned inspiration, and brandished his club. The sick were often deserted : their tribes could

neither convey them, nor wait for their recovery. Food and a lenitive were left within their reach, and when able they followed their kinsmen; the alternative is the terrible risk of a wandering life. This custom was modified by circumstances, and sometimes by the relatives of the sufferer.

Like the natives of New South Wales, they called to each other, from a great distance, by the *cooe*y; a word meaning "come to me." The Sydney blacks modulated this cry, with successive inflexions; the Tasmanian uttered it with less art. It is a sound of great compass. The English, in the bush, adopt it: the first syllable is prolonged; the second is raised to a higher key, and is sharp and abrupt.*

Funereal.—When they felt the approach of death, they were anxious to expire in the open air, and requested to be carried forth, even from the houses erected for their use. They believed that the spirit lingers in the body until sundown. The French naturalist, Labillardière, first noticed the burning of the dead. His account was ridiculed by the Quarterly Reviewers, who suspected cannibalism; but there are proofs innumerable, that this was a practice of affection. A group of blacks was watched, in 1829, while engaged in a funeral. A fire was made at the foot of a tree: a naked infant was carried in procession, with loud cries and lamentations; when the body was decomposed in the flames, the skull was taken up by a female,—probably the mother. The skull was long worn wrapt in kangaroo skin: Backhouse observed a couple who carried, alternately, this ghastly memento of their child: it is said, that they deposited several together, in final resting places.

They were jealous of spectators, and took offence if they approached their dead. Bodies not consumed, were placed in hollow trees, and closed in by underwood: decomposition being completed in these natural tombs, the survivors carried away the bones. Backhouse saw a striking funeral: a woman died; they built a pile of logs; laid the body thereon, and watched all night. At daybreak they applied the brand; then covering their faces with the ashes, which became furrowed with their tears, they sat down and lamented!

Just after the capture, an aborigina told his tribe that his

* A female, born on this division of the globe, once stood at the foot of London bridge, and *cooeyed* for her husband, of whom she had lost sight, and stopped the passengers by the novelty of the sound; which, however, is not unknown in certain neighbourhoods of the metropolis. Some gentlemen, on a visit to a London theatre, to draw the attention of their friends in an opposite box, called out *cooe*y; a voice, in the gallery, answered—"Botany Bay!"

death was at hand. He requested them to prepare the wood for his obsequies, while he leaned against a tree, directing their sad labors: he died that night! This is touching. A savage preparing for his funeral, with a calm consciousness of his fate—midst the ruins of his fading race!

In closing this mournful record, the reader is conscious that the history of the Tasmanian is but the experience of myriads. As an exhibition of Providence, it fills us with astonishment;—of human passions, with humiliation and sadness. The current of immigration will not be diverted by abstract questions of human rights, nor will states model their policy to preserve the barbarian; but the path of history is clear, and even self love, which may carefully *sift evidence*, must not turn from the lessons it offers.

The original occupation of this country necessarily involved most of the consequences which followed: was that occupation, then, just? The right of wandering hordes to engross vast regions—for ever to retain exclusive property in the soil, and which would feed millions where hundreds are scattered—can never be maintained. The laws of increase seem to suggest the right of migration: neither nations nor individuals are bound to tarry on one spot, and die. The assumption of sovereignty over a savage people is justified by necessity—that law, which gives to strength the control of weakness. It prevails everywhere: it may be either malignant or benevolent, but it is irresistible. The barbarian that cannot comprehend laws or treaties, must be governed by bribes, or by force. Thus, that the royal standard was planted, need occasion no remorse; but though the native had not exclusive natural rights, he possessed the attributes of man, and the government was bound to ascertain his wants, and protect his interest in the country. England, however, forgot the aborigine: she secured him no refuge—provided no interpreter to his feelings; his language was unknown, and his testimony inadmissible.

The legal recognition of rights in the soil, pertaining to the native inhabitants of colonised regions, is attended with some difficulty, and nowhere greater than among hunting tribes: their actual possession is only definable, by admitting the wide boundaries of the chase. The Parliamentary Com-

mittee, in a review of the whole question, did not recommend treaties with savages: the terms would be liable to disputes, and a difference of interpretation would occasion distrust and animosity. A middle course might, however, be open. The natives have an equitable lien on the land, for which rulers who transfer its occupation are bound to provide effectively and for ever. Instead of making the death of the native the release of private incumbrance; instead of making it the constant interest, and daily effort of the settler, to drive him away, it ought to have been the object of the crown to identify the life of the native with the welfare of the intruder. In granting possession of lands, the terms might have given the settler a claim for remission of price—or a pecuniary reward, payable out of the proceeds of land—for every native child he might rear, and every family he might induce to choose him as their protector. Thus the shepherd princes would have felt that their interests harmonised with the existence of a race, now regarded with dislike and jealousy. The native police at Port Phillip, suggested originally by Captain Maconochie, is an adoption of this principle: they are useful, and therefore pains have been taken to attach them. It is in vain to make laws, and to issue proclamations to shield the aborigines, unless they are identified with some local interest; and for this, no sacrifice of the land revenue could be considered too great.

A youth, called Van Diemen, was nine years old when found in the wood, and adopted by Col. Davey; he was subsequently taken to England by Mr. Kermode. He had been taught to read, and could repeat several chapters of the Bible. He was remarkably keen and intelligent. [On his return to this colony, he was cut off by consumption: at the *post mortem* it was found that his lungs were nearly gone.] Mr. Kermode endeavoured to prevail with Lord Bathurst, to authorise a grant of land; but Mr. Wilmot Horton, then Under Secretary, objected that there were millions of British subjects, whose claims were of the same kind, and that the precedent would be inconvenient. At the same time, men in chains were receiving grants of land, and emancipists as a matter of course; but the minister was opposed to admit a claim founded on birth, orphanage, and civilisation, lest it should multiply applicants. As if anything could have been more desirable to the philanthropist and politician: who can wonder that convicts despised that which the ministers of the crown repudiated? Excepting the often pernicious donatives, occasionally conferred, the aborigina was treated

only as a foreigner, a slave, and an enemy. Thus the order of Lord Hobart stood alone: it was a record of intention, not a development of government. The ministry washed their hands, and averted their eyes; and threw upon the colony the responsibility of inevitable crime.*

But the government of England, not only left undefined the obligations it seemed to confess: it did more; it let loose on the shores of Tasmania its outcasts, its robbers, and its homicides; it released their bonds, and sent them forth to contest with the native for the animals of chase—to cross his path unwatched—to destroy him unpunished. Crimes of every kind were visited, save this. For a word, or a look, the felon was brought to the triangle; but when he shot down the native, and acquired distinction by his butcheries, justice became scrupulous: the laws were silent—religion and humanity were silent; and the fallen black, like the uprooted forest, was thought of as an encumbrance removed!

The state of the census was equally reprehensible: England not only forgot the prescriptions of nature, and formed communities of *men*, but the inevitable consequence to the natives was utterly neglected. It would be impossible even to hint the series of facts, which are authenticated to the writer, and which strangely blended ferocity and lust. The sealer, or stockman, who periled his life to accomplish the abduction of a native female, thought that danger but fairly avenged by the destruction of her relatives! Thus far the government was remiss and culpable. The crimes of individuals, without diminishing *their* guilt, must be traced to those general causes, which are subject to the disposal of statesmen and legislators.

But when the colony was planted, and the people spread abroad, it was the duty of the crown to protect its subjects of every class: it was the duty of its officers to arrest the arm of the black man, however great the provocation that raised it. They could not stand by to investigate causes; to divide between the two races the proportions of crime, while the innocent family was exposed to violence. It was better that the blacks should die, than that they should stain the

* "You are to endeavour, by every means in your power, to open an intercourse with the natives, and to conciliate their good will—enjoining all persons under your government to live in amity and kindness with them; and if any person shall exercise any acts of violence against them, or shall wantonly give them any interruption in the exercise of their several occupations, you are to cause such offender to be brought to punishment, according to the degree of the offence."—*Lord Hobart's instructions to Lieutenant-Governor Collins.*

settler's hearth with the blood of his children. In this view Colonel Arthur was right: his estimate of the native character was not impartial, for he beheld it when it only appeared detestable. He had no choice; he resolved to protect his countrymen.

It is common to speak of the guilt of this community; sometimes in variance with reason and truth. That guilt belongs only to the *guilty*; it cannot contaminate those who were helpless spectators, or involuntary agents. The doctrine of common responsibility, can only be applicable where all are actors, or one is the representative of all. The colonist may say, "I owe no reparation, for I have done the native no wrong; I never contemplated aiding in his destruction: I have seen it with horror." May the lesson of his sufferings become the shield of his race! Those who impute guilt to this colony, forget that its worst members are not stationary, and that many have borne away their guilt with their persons. That Being, who makes requisition for blood, will find it in the skirts of the murderer, and not on the land he distained.

No man can witness the triumph of colonisation, when cities rise in the desert, and the wilderness blossoms as the rose, without being gladdened by the change; but the question which includes the fate of the aborigines,—What will become of them?—must check exultation. The black will invade rights he does not comprehend; seize on stragglers from those flocks, which have driven off his game; and wound the heel which yet ultimately treads him to the dust. Such is the process—it is carelessly remarked, that the native is seen less often; that it is long since he ventured to cross the last line, where death set up landmarks in the slain. At length the secret comes out: the tribe which welcomed the first settler with shouts and dancing, or at worst looked on with indifference, has ceased to live.

If the accounts of discoverers have been too flattering to the native character, they are explained rather than contradicted by the early colonists. These describe, with exultation, their new acquaintance, when writing to their friends: how peaceful, light-hearted, and obliging. They are charmed by their simplicity; they sleep among them without fear: but these notes soon change; and passing from censure to hatred, they speak of them as improvident, importunate, and intrusive; as rapacious and mischievous; then as treacherous and blood-thirsty—finally, as *devils*, and beasts of prey. Their appearance is offensive, their proximity

obstructive: their presence renders everything insecure. Thus the muskets of the soldier, and of the bandit, are equally useful; they clear the land of a detested incubus.

It is not in the nature of civilisation to exalt the savage. Chilled by the immensity of the distance, he cannot be an equal: his relation to the white can only be that of an alien, or a slave. By the time astonishment subsides, the power of civilised men is understood, and their encroachment is felt. Fine houses garrison his country, enclosures restrict his chase, and alternately fill him with rage and sadness. He steals across the land he once held in sovereignty, and sighs for the freedom and fearlessness of his ancestors: he flies the track of his invaders, or surprises them with his vengeance;—a savage he was found, and a savage he perishes!

REMARKS ON THE CAUSES OF THE BURNING OF THE DEAD
BY THE VAN DIEMENESE.

[From Peron's Voyage, 1802.]

"On a wide swarth of verdure (at Maria Island), beneath some antique caruarinæ, rose a cone, formed coarsely of the bark of trees inserted at bottom in the ground, and terminated at top by a large band of similar materials. Four long poles stuck in the earth, sustained and served for all the pieces of bark to lean against; these four poles seemed also calculated to ornament the building; for, instead of uniting all their upper extremity like the bark, and so forming a simple cone, they crossed each other about the middle, and then extended without the roof of the ornament. From this disposition resulted a sort of inverted tetracdic pyramid in the upper part opposed to the cone below. This contrast of form in the two parts of the building had a somewhat graceful effect, which was increased by the following additions:—With each of the four sides of the pyramid corresponded a wide strip of bark, the two bent extremities of which were at the bottom bound together by the large band, which, as I before noticed, united all the pieces of bark at the top of the cone: it follows that each of these four strips formed a sort of oval, least rounded at its inferior extremity, and widest and most rounded above; and as each of these ovals corresponded with one of the sides of the inverted pyramid, it is not difficult to conceive the elegance and picturesque effect of the plan.

"After looking some time at this monument, the use of which I vainly strove to fathom, I soon resolved to push my examination to a greater length: I removed several thick pieces of bark, and readily penetrated to the interior of the building. The whole of the upper part was vacant: at the bottom was a large flattened cone formed of a fine light grass, laid with much care in concentric and very deep strata. With my doubt respecting the purpose of this, my curiosity increased. Eight small bent sticks crossing each other at the summit of this cone of verdure, served to preserve its form; each of these sticks had its two extremities fastened in the earth, and kept firm in their position by a large piece of flattened granite. So much care led me to expect some important discovery; nor was I mistaken. Scarcely had I

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raised the upper layers of turf, ere I perceived a large heap of white ashes, apparently collected together with nicety : thrusting my hand into the midst of these, I felt something hard, withdrawing which, I found it to be the jaw-bone of a man, and shreds of flesh still adhering to it. I shuddered with horror. Still, reflecting a little on all I had observed in the composition of the monument, I soon experienced sensations widely different from those I felt at first : the verdure, the flowers, the protecting trees, the deep bed of herbage which covered the ashes, all united to convince me that I had here discovered a tomb. . . . Succeeding ideas caused new reflections : I asked myself, ' What can have originated this custom of burning the dead ? Separated from the rest of the world, and at its farthest extremity, these people cannot have adopted it from communication with others ; it must irrefutably therefore be an idea of their own. But, in that case, wherefore prefer this mode of disposing of the dead ? Can the preference be the effect of chance ? Or does there exist some physical reason for it, dependent on the nature of things, or the particular social organization of these men ?'

" This last measure is to burn it. Every thing concurs to facilitate this expedient ; every thing in this is accordant with the mode of life of the inhabitant of these shores, as well as the circumstances in which he is placed. Fire, that powerful and terrible agent, their recourse on so many and such valuable occasions, cannot fail of exciting among these people some of those sentiments of veneration, consecrated with the majority of ancient nations by such numerous institutions and religious monuments. Without being deified, perhaps, as formerly it was, fire in these countries is regarded as something superior to the other works of nature ; and these first ideas will probably have contributed not in a trivial degree to the determination of burning their dead. The requisite materials for the purpose were at hand : neither calculation nor labor were required for putting the plan in execution ; no instrument was necessary ; and it prevented taint and the consequent infection. But a few remains of bones would be here after the operation, to cover which the ashes of the fire would be sufficient. The whole ceremony required only a few hours ; and prejudices tended to render it reputable and sacred. Thus then this practice of burning the dead does not appear to be the effect of mere chance : accordant with physical and local circumstances, these evidently were the origin of the custom."

HISTORY OF TASMANIA.



TRANSPORTATION.

TRANSPORTATION.

SECTION I.

TRANSPORTATION, considered not as a question of national policy but as a fact, demands a place in this record. It will be our object to ascertain those incidents which illustrate its local operation—to trace events that have attended the repeated changes in its colonial spirit. It belongs to the British statesman to scan its effects on the population of the empire; but fairly to exhibit its Australasian aspect, will not be without utility to the colonies themselves.

Although a separate relation will derange the thread of Tasmanian history, the reader may be compensated by a view more perspicuous and useful.

Thousands of British offenders, who by their exile and sufferings have expiated their crimes, trod almost alone the first stages of Austral colonisation, and amidst toils and privations, initiated a progress now beheld by nations with curiosity and admiration. Economists still weigh in uncertain balances the loss and the gain, and the legislator longs for facts which may decide the perpetual conflict between them who denounce and those who approve this expedient of penal legislation. It is not the intention of this narrative to anticipate conclusions: its design will be accomplished when the story of the past is truly told.

Exile, the penalty denounced by the Almighty against the first homicide, was among the earliest affixed by man to lesser crimes, or whenever the presence of the offender endangered the public repose. The Roman law permitted the accused to withdraw from impending judgment by a voluntary exile. Such was the practice in the time of Cicero. When men sought to avoid bondage or death, adjudged by the laws, they had recourse to exile as to an altar; nor did they forfeit their civic standing, except with their lives.*

* *Oration, pro A. Cæsin.*

At a later period, under the imperial government, the islands of the Mediterranean became places of exile: several thousand Jews were banished from Rome to the Island of Sardinia.*

Transportation was unknown to the common law of England, but abjuration of the realm, which resembled the Roman practice, was not infrequent: "it was permitted," said Sir Edward Coke, "when the felon chose rather to *perdere patriam quam vitam*,"—to lose his country rather than his life. The culprit having found sanctuary within the precincts of a church, took oath to abjure the realm: assuming the character of a pilgrim, he received a cross to protect him on his journey. By the Act of James I. the privilege of sanctuary was taken away,† and thus the abjuration, founded upon it, virtually abolished.

The Spanish was the first Christian nation which to banishment united penal labor. Columbus found it difficult to allure adventurers: to work the mines, was necessary to gratify his patrons, and he prevailed on Ferdinand to furnish colonists by clearing the galleys. These recruits attended the great discoverer on his third expedition (1498): they largely contributed to the disorders which vexed the infant settlement, and aroused the resentment of the unfortunate Indians.‡

Banishment was first formally recognised by English law in the reign of Elizabeth (39 Eliz. cap. 4).§ It was enacted, that "dangerous rogues, and such as will not be reformed of their roguish course of life, may lawfully by the justices in their quarter sessions be banished out of the realm, and all the dominions thereof, and to such parts beyond the seas as shall for that purpose be assigned by the privy council." Return was made felony without benefit of clergy. A brand was affixed upon the shoulder, of the breadth of an English shilling, with a great Roman R upon the iron: "for a perpetual mark upon such rogue, during his or her life.||

Until commerce had extended the knowledge of distant parts, and the constant publication of correspondence with colonies made their affairs familiar, imagination depicted them as desolate and frightful. The London apprentice and the plough boy, thought of exile as a severe calamity. The love of home was rendered more intense, by the universal

* Tacitus, ann. 285.

† Discourse, by the Right Hon. Wm. Eden, on Banishment.

‡ Robertson's History of America.

§ See Blackstone's Commentaries, vol. iv. c. 31.

|| Rastall's Statutes, p. 419.

wilderness imagined beyond it : thus, loss of country was deemed a penalty fully equal to ordinary offences, and more severe than any domestic form of punishment short of the scaffold.

"Duri est non desiderare patriam. Cari sunt parentes ; cari liberi, propinqui, familiares ; sed omnes omnium caritates patria una complexa est : pro qua quis bonus dubitet mortem oppetere?"

It is to James I. that the British nation and the colonists owe the policy, whether salutary or baneful, of sending convicts to the plantations : "the good sense of those days justly considered that their labor would be more beneficial to an infant settlement, than their vices could be pernicious."* James directed the sheriff to deliver, and the governor and court of Virginia to receive one hundred prisoners, included in the definition of rogues and dangerous persons, and compelled the proprietors of that colony to become agents in their deportation.

The Lord Chief Justice Kelyng stated, that about the time of the restoration it became customary for a prisoner within benefit of clergy to procure from the king "a conditional pardon," and to send him beyond the seas to serve five years in some of the king's plantations; there *to have land assigned him, according to the usage* of those plantations for servants after their time expired.† A needless delay of departure, or a return within the period appointed, made the instrument of pardon void.

In the reign of Charles II. an act passed (Car. ii. 13, 14. cap. 2. s. 1), "for preventing dangers that may arise from certain persons called quakers," which authorised their transportation beyond the seas. Thus, the practice was not new : after the battle of Worcester, the parliament transported the royalists, and in the mutations of power all parties in their turn transported each other.

It had not been unusual for persons to sell themselves for a term of years. After the dissolution of the army of the commonwealth, many, to escape danger and poverty, sold their liberty to others, who carried them to the plantations.‡

After the defeat of Monmouth, a letter was addressed by James II. to the governor of Virginia, which after reciting

* Chalmers.

† *Eden's Discourse.*

‡ *Sir Joshua Child's Discourses on Trade*, 1670.

that the royal clemency had been extended to many rebellious subjects by ordering their transportation, required the governor to propose a bill to the assembly to prevent their redemption, by money or otherwise, until the expiration of ten years. The assembly declined to carry out the royal vengeance, and received the exiles with kindness.*

In 1717, transportation assumed a prominent place in English jurisprudence. An act of parliament (4 Geo. i.) recited that the customary punishments were inefficient, and that the "labor of criminals in the colonies would benefit the nation;" and mentioned the "frequent failure of those who undertook to transport themselves." Under this law, they were committed to the charge of ship-masters, who gave bonds for their transit; and who were obliged to produce certificates that they had disposed of their cargo according to law. It is said that £40,000 per annum were raised by the contractors, carrying annually two thousand prisoners, whom they sold for £20 each.† For a long time these importations were highly acceptable; the demand for labor reconciling the colonists to the attendant evils. The object of the law was to exile offenders from the mother country, and bondage in America was simply intended to indemnify its cost. It was in the power of the captains to set them free, or a friendly agent by appearing as a purchaser might release them.‡ When landed, they were sold by auction to the colonists, for the term of their sentence; and even the royal pardon did not cancel an obligation to serve—except by the repayment of the purchase money to the planter.

This course had many inconveniencies, and led to atrocious crimes. The treatment of the convict depended on the individual who bought his service: the state imposed but slight responsibilities, and the colonial control was regulated by local laws.

Many notices in annals of those times indicate that the practice of kidnapping, especially of youth, was not uncommon. Johnson, in his immortal memoir of the poet, Savage, numbers in the catalogue of his mother's cruelties, an attempt to send him captive to the plantations, and to sell him for a slave.

Goldsmith refers to establishments devoted to this species of slavery:—"I regarded myself as one of those evil things

* *Letter from James II.*, in the colonial-office: quoted by Chalmers.

† Introduction to *Phillip's Voyages*.

‡ See *Bentham's Letter to Lord Pelham*.

that nature designed should be thrown into her lumber room, there to perish in obscurity. It happened that Mr. Crispe's office seemed invitingly open to give me a welcome reception. In this office Mr. Crispe kindly offers to sell his Majesty's subjects a generous promise of £30 a year; for which promise, all they give in return is their liberty for life, and permission to let him transport them to America as slaves."*

Before the era of separation, the American planters had begun to resent the influx of felons. Free labor grew plentiful, and the colonial reputation was compromised: nor were these the sole reasons for opposition; the management of negro slaves became a capital branch of domestic industry; the *prestige* of color was endangered by the subjection of white men to the discipline of slavery.

The practice of transportation did not terminate until the era of independence. The Canadas remained loyal; but the ministers of the day did not deem it prudent to reward their submission with the stigma of transportation.

Franklin, when the colonists were about to cast off the imperial rule of Great Britain, complained of this system: he compared it to pouring "cargoes of rattlesnakes on the shores of England." He, however, maintained that this description of exiles formed but a small proportion of the American people; that of one million, eighty thousand only had been brought over the ocean, and of these one-eighth only were convicts. In reference to the number transported to America, the accounts of the British and American writers considerably differ. None were sent to the New England colonies. Jefferson, during his diplomatic residence in France, furnished a statement for the *Encyclopédie Méthodique*, in which he asserted that the convict element of the American population was too small to deserve enumeration. He estimated the total number at 2,000, and their descendants at 4,000, in 1785, or something more than one-thousandth part of the entire people. This calculation has been, perhaps justly, charged with partiality; but it is useless to meet error by conjecture.† This obvious topic of sarcasm was early adopted. Party writers poisoned the shafts of political warfare, by references to the convict element of the trans-atlantic population: "their Adam and Eve emigrated

* *Vicar of Wakefield.*

† Dr. Lang, on whose quotation (from the *Memoirs of Jefferson*, vol. i. p. 406) the above is given, would make the total number to be 50,000—a vast difference!

from Newgate,"*—"their national propensities to fraud, they inherited from their convict ancestors,"—"they are the offspring of convicts, and they have retained the disposition of their felon progenitors." Such were the sayings of critics, lords, and statesmen: it was thus they described a people, who among their forefathers can enumerate heroes and saints; who, flying from the scourge of bigotry and despotism, laid the foundation of an empire. Can we expect more complacency?

SECTION II.

DURING and subsequent to the American war, the prisons of Great Britain were crowded. A distemper, generated in the damp and fœtid atmosphere of gaols, carried off thousands: to be charged with an offence, was to be exposed to the risk of a malady generally fatal. Sometimes, it passed beyond the precincts of prisons: at Taunton, the judges and other officers of the court, and hundreds of the inhabitants, perished.

Howard, after spending a large portion of his life in retirement and devotion, was chosen sheriff of Bedfordshire. He exposed the sufferings which he witnessed; and accelerated transportation, by revealing the secrets of the prison house. It is needless to describe his labors—they belong to all nations: he reproved kings, and received the blessings of thousands ready to perish; and he lost his life in the service of mankind.†

The attention awakened by Howard, the philanthropist, led to the general improvement of prisons (1779). A variety of projects were suggested for the disposal of prisoners: some it was proposed to confine in dock-yards, salt works, mines, or where concentrated labour might be possible. Mr. Eden, at first, suggested that enormous offenders should be sent to the Mahomedan ports, and sold for the redemp-

* *Quarterly Review*, vol. ii. p. 322.

† As a congregational dissenter, he was liable to a fine of £500, for not taking the sacramental test. It is some credit to human nature, that he was not interrupted or punished in his career of charity.

tion of Christian slaves, or be employed on the coasts of Africa, on small islands, for the benefit of navigation.* It was recommended by a committee of the House of Commons to transport criminals to the coast of Africa and the East Indies. These plans were effectually resisted, or failed of their design.

Judge Blackstone and Mr. Eden contrived a scheme, in concert with Howard, which they embodied in the "Hard Labor Bill." Its object was twofold: to establish labor houses all over England, and to regulate the employment of convicts on board the hulks. This measure was published preparatory to its being submitted to parliament, and fell into the hands of Bentham. Hailing the movement as fraught with important improvements, he produced his Panopticon, which he described as applicable to all houses of industry, and wherever inspection is constantly required. The plan exhibits remarkable ingenuity: the separation being made consistent with continual oversight, and an economy of space with health and exercise. The design of the building itself is circular: the external area cut up into angles, and separated by walls running to a common centre. The interior is formed of a succession of circles, not inaptly compared by the satirical opponents of the scheme to a spider's web.† He afterwards accompanied his plans with minute definitions of the objects and methods of penal coercion.

Sir John Parnell, chancellor of the Irish exchequer, Mr. Pitt and Lord Melville of the English ministry, were anxious to establish the panopticon system in their respective countries. The design was not formally abandoned until 1813, when the erection of the Millbank Penitentiary, extinguished the scheme of Bentham. He had written political articles offensive to the court: George III. had attempted to refute his opinions, and cherished towards him the antipathy of a rival. A contract was formed with Bentham, to erect and conduct his panopticon: he had received possession of a spot of land assigned for the purpose, and nothing was wanting but the royal signature to his official appointment. His hopes were finally crushed by the obstinacy of the inexorable king.‡

* *Eden's Discourse on Banishment.*

† *Quarterly Review*, 1822.

‡ Dr. Bowring's account, received from Bentham in 1824. In 1813, Jeremy Bentham, on account of penitentiary, £23,578.—*Par. Pap.*

SECTION III.

WHATEVER advantages were supposed to pertain to a system of domestic punishment, it was opposed by formidable difficulties. To Bentham's system it was objected, that it required a supervision practically unattainable. The enthusiasm, ability, and integrity of the projector, it was alleged, would be probably confined to himself; and although the better plan, while under his eye, it would prove of all the most dangerous and inefficient, when directed by the unskilful and corrupt.* Nor did it prevent the return of the offender to society, and thus a relapse into crime.

The large preliminary outlay required to test the scheme of Bentham, which exceeded his first calculations, was urged against its trial, and its complicated details wearied the attention of the county magistrates. They preferred transportation, and cheerfully resigned the offender to the good or ill-fortune of his colonial career.

These views were strengthened by the increasing aversion to capital punishments. To detain a criminal for life seemed cruel to himself, and to release him would be perilous to the community. His treatment while in bonds, would vary with the temper of individuals entrusted with his punishment. This, Bentham himself confessed: he observed—"different tempers prescribe different measures of security and indulgence. Some forget that a convict in prison is a sensitive being; others that he is put in there for punishment. Some grudge him every gleam of comfort or alleviation of misery, to which his situation is susceptible; to others every little privation, every little unpleasant feeling, every unaccustomed circumstance, every necessary point of coercive discipline, presents matter for a charge of inhumanity."†

To American transportation, the following is a summary of his objections. 1. It was unequal: a man who had money might buy off the servitude. Again, with regard to banishment, it was unequal: some would have been glad to go by choice, others would rather die. 2. It was unexemplary: what the convict suffered, be it much or little, was unknown. 3. It was unfrugal: it occasioned great waste of life in the mode, and of money in the expenses of

* Introduction to *Phillip's Voyages*.

† *Bentham's Works*, part iii. p. 122.

conveyance. 4. It did answer in some degree, in disabling the offender from doing further mischief: yet it has always been easier for a man to return from transportation than to escape from prison. 5. It answered, every now and then, the purposes of reformation pretty well; but not so well upon the whole, under the variable and uncertain direction of a private master, whose object was his own profit, as it might be expected to answer under regulations concerted by the united wisdom of the nation.* In these objections to American transportation the colonists will recognise familiar sounds—the chief elements of the arguments, in times both remote and recent, against the practice of transportation.

The worst class of criminals were often found in London, before their first sentence had expired. Many suffered capitally for this offence. Before the practice of contracting with shippers, political offenders preferred the continent of Europe to the hardships of America. It was made felony, without benefit of clergy (20 Geo. ii.), for rebels under sentence of transportation to reside either in France or Spain; and the inhuman penalty was denounced against their friends who might correspond with them in any form. When the crown carried out the sentence, the offender's return was still capital, and though unpopular, the guilty rarely escaped the penalty on conviction.

When this colony was established, the chief towns of Great Britain were haunted by innumerable thieves, who were organised for the purposes of robbery. In London armed men assailed passengers by night, and even by day. The arrest of robbers was accompanied with considerable danger, and it was not until towards the close of the eighteenth century that the military guard ceased to attend executions. A vast multitude of persons had degenerated into a robber caste. They lodged under the arches of bridges, or nestled in nooks or corners, wherever they could burrow. The districts of the city occupied by the better class of society, seemed but a small portion of the metropolis—like islands in a sea of vice and destitution. There were numerous places of savage amusement and small gambling houses; and young men of family, hanging loose on the world, not unfrequently became amateur adventurers in crime. The populace felt no aversion to a highwayman of spirit. The pursuit of criminals became a voluntary and profitable calling, and offenders against the laws were en-

* *Bentham's Works*, part iii. p. 7.

couraged and sheltered, until they were ripe for the executioner. Every part of London was the scene of executions : malefactors were hung in chains on every common and way-side. The populace treated the culprit with cheers or hisses, according to their view of his crime. Many wore a white cockade in their hats, in token of their innocence, when they were carried in procession to the scaffold.*

To compensate for the feebleness of the police, and the popular sympathy with crime, the crown paid £40 for each capital conviction. In 1796, a conspiracy was developed, which led to the legal slaughter of seventy persons, at a profit to the conspirators of £2,800. In 1818, the legislature reluctantly terminated this traffic in blood.†

Thus, after much discussion, the plan of a new penal settlement was finally preferred : denominated, in the official correspondence, "the improved Colony of New South Wales."‡ In dedicating his work to Thomas Townsend, Viscount Sydney, Collins ascribes the establishment of the colony to that nobleman. "To your patriotism" he writes, "the plan presented a prospect of political and commercial advantages." The facts recorded he alleges evinced with how much wisdom the measure was suggested and conducted ; with what beneficial effects its progress had been attended, and what future benefits the parent country might with confidence anticipate. It was expected by Collins, that the colony would prove a valuable nursery for soldiers and seamen.

The territorial seal provided by the crown, stamped on the instruments of government the primary design : on the obverse, the royal arms and title ; but on the reverse, convicts were represented landing, received by Industry, who, surrounded by her attributes—a bale of merchandise, a pick-axe and shovel—released them from their fetters, and pointed them to oxen ploughing. The legend was appropriate : "*Sic fortis Etruria crevit.*" §

"He who lives among a civilised people, may estimate the labor by which society has been brought into such a state, by reading in the annals of Botany Bay, the account of a

* *London, in the Eighteenth Century*, by Charles Knight.

† A bill was brought into parliament by Mr. Bennet : it was, however, maintained that the total abolition of such rewards would be pernicious. The heir at law of a person killed in pursuit of a highwayman, was still entitled to £40 and a Tyburn ticket, which exempted the holder from serving on a jury, and other civil liabilities.

‡ *Par. Papers* : quoted by Bentham, p. 174.

§ *Collins*, vol. i. p. 179.

whole nation exerting itself to floor the government-house. Yet time shall come, when some Botany Bay Tacitus shall record the crimes of an emperor lineally descended from a London pickpocket."*

SECTION IV.

THE convicts first sent to New Holland, entered on the voyage with dread. The letters they addressed to their friends, while the fleet lay at anchor, were examined by the officers : they were filled with lamentations. They deeply deplored, that the distance of their exile cut off the hope of return ; the perils of so long a voyage alone seemed frightful : should they reach the shores of New Holland, they expected to be destroyed by savages, or to pine away in want. The females seemed least to fear their banishment ; and while several of the men were deeply moved, a spectator, who curiously remarked the mental influence of their prospects, saw only one woman weep.†

When the ocean had often been traversed by convict ships, these vague terrors declined ; but the order, comfort, and security which now prevail, were little known. The freight was of such importance, that the masters were tempted to defraud the prisoners of water, and even of food ; confiding in their means to silence or compensate the sufferers, when in sight of port, or to satisfy the government. So slightly considered was this species of fraud, or so useful to colonial traders, that the magistrates held the payment of a gratuity to be a bar to further inquiry.‡ The convicts were thus exposed to severe, and even dangerous privations. Scurvy, a malady often in those days fatal to half a ship's crew, broke down the strength of men emaciated, dispirited, and diseased : many perished by the way, and a much larger number arrived unfit for labor, and a public burden.

The management of a convict ship legally vested in the captain : his duty contemplating nothing more than a safe arrival. The personal government of the prisoners was confided to the surgeon, subject however to the discipline of

* Sidney Smith : *Edinburgh Review*, 1803.

† *Tench's Narrative*, 1789.

‡ *Bigge's Report*.

the ship, of which the captain was exclusive judge. The health of the company was often sacrificed to the security of the vessel: the prisoners suspected of piratical intentions, were batted down and forbidden exercise, lest they should rise upon the crew. From the first, the officers in charge claimed a right to inflict corporal punishment; but, up to 1823, without the sanction of law. By the act then passed, power to order punishment was confided to the surgeon-superintendent, with the concurrence of the captain; who was intrusted with a veto, and was bound to enter his assent in the log-book, with the nature of the offence and extent of the infliction.*

Apprehensions of mutiny were much more common, when transportation to New Holland was recent, than experience has justified. On the slightest alarm, the prisoners were loaded with chains, fastened to ring-bolts attached to the ship's sides. Perhaps, no vessel ever crossed the Line without some plot, rumoured or real; but the most ordinary precautions have been found usually sufficient to detect and explode them: their inventors have often been their discoverers. The prisoners, commonly distrustful of each other, shrank from the confidence required to plan and execute a revolt. But when timid officers were in charge, they sometimes adopted restrictions severely oppressive; and which men of more courage and experience perceive to be needless.

During the war, the deportation of prisoners was attended with special difficulties: no ship's company were less likely to support the flag of their country. They were often delayed until a convoy could attend them. These hinderances were frequent, when this colony was founded. Both male and female prisoners were commonly forwarded together: the officers and soldiers selected companions for the voyage, and a sentence of transportation included prostitution. It is not incredible that modest women rejected life on such terms, or preferred a public execution to the ignominy of a floating

* This act (4 Geo. iv.) of 1823, made the punishments legally inflicted by the overseers on board the hulks, the rule on board the transports; but 5 Will. iv. allows such punishments as may be *authorised by the secretary of state*, without specifying their nature. The penalty of £20 (previously £50), for not entering the punishment in the log-book, is in itself a feeble protection against the abuses which such powers might produce. The instructions of the secretary of state to the surgeon-superintendent direct—to confine in a dark cell; to lessen the ration, even to bread and water; and whipping: first “using mild and persuasive means.” It is proper to observe, that these powers are very rarely abused: punishments are not to be inflicted, except in the presence of at least twelve prisoners.

brothel. These practices were first tolerated as inevitable, and afterwards justified as politic. No conspiracy could be concealed, while the women were paramours and spies; and, when long detained, the population of the ship considerably augmented before she dropped anchor. The government of the vessel was not less severe than its aspect was licentious.*

* "The captain and each officer enjoy the right of selection. Thus they continue the habit of concubinage until the convicts arrive at Sydney Town, and some are now educating five or six children. Each sailor or soldier is permitted to attach himself to one of the females: the permission and the caresses of the artful wanton have often lured the temporary parties to marry at Plymouth, more frequently to consummate the nuptials at Sydney: such a marriage manumits the convict.

"The unhappy male convicts are denied, save occasionally, these profligate liberties. Occasionally, however, they range into the quarter assigned to the women. The males, accustomed in London to indiscriminate license, discover the greatest regret at the restraint of their passions in the grossest oaths, and in the grossest language. The females, who rather resemble the brutes than rational creatures in their excesses, answer their reproaches, and rage with equal effrontery, and unbounded impudence. It is a scene like Pandemonium—a second hell, but upon the ocean. Sitting in groups, they sing, they shout, they converse in the grossest terms, corrupting, and corrupted. The concubine knits, or sews for her sailor, near his berth: the rest wash the clothes of the male convicts; exercise and cleanliness, conducive to their health and to the comforts of the ship. Many are remarkably neat: all are clad in different dresses—some have been enabled to purchase caps, more have not. The males are clothed in simple uniformity, in blue trousers and a jacket. All the convicts are compelled to wash once in the day their heads, their feet, and their faces; the men under the superintendence of a soldier, the women apart under the eye of a matron. The males are marched in a body of six across the deck to the pump: the sailors draw up the water, and they are artfully compelled to labor for health at the pump, and to rinse away the dirt. By this prudent precaution, in every variety of weather, they obtain fresh air and avoid the scurvy, or cutaneous diseases. A surgeon daily inspects this *human cargo*, and reports its *state*. They are paid per head, a sum for those who survive the voyage; hence it is the surgeon's interest to preserve these diseased wretches. To inure this assembly, disgorged from brothels, and cellars, and gaols, to the *appearance*, or to the idea of decorum, the men wash their bodies above decks, and the women between them. The sexes are forbid to mingle, even at their meals. So rigorous a discipline is only supported by severity of punishments. Chains, tied round the body and fettered round the ankles, confine and distress each male convict, by the clanking sound, and by annoying the feet. This image of slavery is copied from the irons used in the slave-ships in Guinea: as in these, bolts and locks are at hand, in the sides and ribs of each *transport* (for the vessels *on this service*, with *peculiar* propriety are so named), to prevent the escape, or preclude the movements of a convict. If he attempt to pass the sentry, he is liable to be stabbed: for the attempt, a convict was lately shot, and his executioner was applauded by his officer for a faithful, though severe, discharge of duty. If a felon kill his companion, a case very frequent in the quarrels of these highwaymen and robbers, the murderer is hung at the yard-arm, and his body is slowly carried through the ship, and launched into the deep. For the theft of provisions, or of clothes from his neighbour, a case yet more common, and more natural to footpads, the convict depredator is shot. For inferior crimes, as riot or quarrels, a soldier is commanded to whip the offender with martial severity: the first stroke leaves a deep impression of the wire, the second causes the blood to trickle, the third draws a stream of gore: under several

Thus the abuses which, during the war, penetrated every branch of public business, rioted in the convict ship; whilst the contractors, who engaged to convey the prisoners at a price, snatched a profit from the subsistence stipulated by the crown. Malignant fevers, brought from the hulks or prisons, propagated in the stagnant atmosphere, and, when combined with low and crude diet, more than decimated the list. These effects of official negligence were early apparent. The second fleet lost nearly one-fifth of the whole, either on the voyage, or shortly after the arrival. Of the previous expedition, the loss was trifling.* It was fitted out with integrity, surpassing the custom of the times, or the pioneers of the colony might have perished on a barren shore.

Captain Parker, of H. M. S. *Gordon*, detected this speculation: he traced the unusual mortality to the frauds of the officers, whose subduction from the standard allowance had "starved the prisoners to death;" but it was not till many years after, that the humanity of ministers interposed effectual regulations. The numbers who perished on board the *General Hewitt*, the *Surry*, and the *Three Bees* in 1814, forced the attention of the local government to the subject; and on the report of Surgeon Redfern, great improvements were adopted.† The dispatch of vessels without regard to

faintings, the debilitated and disordered convict receives two dozen of lashes. On the slightest appearance of a mutiny, the ring-leader is cast headlong into the sea, in his irons and his clothes. We commit this body to the deep, the chaplain repeats, but the words of Shakspeare, perhaps, would be more applicable:—

' O mutineer ! if thou hast any hope of heaven's bliss,
Lift up thy hand ; make signal of that hope.
He sinks ! and makes no sign.' "

—*Account, by Captain Bertram, in 1800 : Longman.*

* New South Wales first fleet, 987 convicts; of which 25 died, or 1 in 35. Second fleet, 1763 convicts : died 327, or 1 in every 5½.

" I beg leave, however, to say, that the provisions were much superior to those usually supplied by contract: they were furnished by Messrs. Richards and Thorn, of Tower-street, London."—*Tench's Narrative*. These honest contractors deserve immortal renown.

† *Table of Voyages, from 1810 to 1820 :*

Voyages.	Course pursued.	Average.	Convicts.	Deaths.	Sick.
44	Direct	127 days	7,657	71	94
38	Touched at Rio de Janeiro	156 days	6,470	132	123
11	Touched Cape of G. Hope	146 days	1,912	9	57

the season, brought the prisoners within the cold latitudes, and exposed them to the southern winds in the winter; and thinly clad, and enervated by the heat of the tropics, they were crowded below, or shivering on the deck. A supply of warm clothing, and the choice of the proper period of sailing, greatly mitigated the voyage; and the constant examination of the diet, samples of which were preserved, checked the avarice which cost so many lives, and had thus led to atrocious crimes. It is humiliating to find, at every step, the traces of wrong: the comforts supplied the prisoners by their friends, were often stolen by the seamen: the pledges lodged in their hands were not restored: boxes were pillaged, and the trifles furnished by the self-sacrifice of a broken-hearted parent, became the spoil of the assignees of public vengeance. These evils were aggravated by the delay of the voyage, to subserve the commercial speculations of the surgeons, who, beyond the general gains of merchandise, were allowed a large remission of the customs.

Dr. Bromley, who superintended the transit of prisoners on several occasions during the first quarter of the century, availed himself largely of these trading privileges. Thus he landed, free of duty, at the close of one voyage, 150 gallons of spirits, one hogshead of wine, and ten baskets of tobacco, beside a shipload of women. This profitable form of investment excited no local complaint, and implied no disgrace.

The female convict ships continued under the same system of management, until some flagrant instances induced the Board of Admiralty to check the grossness of vice. Of vessels remembered for their pollution, the *Friendship* and *Janus* are distinguished: the keys of the prison were accessible during the night: the conspiracy reached from the cabin to forecastle: the officers were libertines themselves, or, even when their conduct was least equivocal, it was difficult to obstruct irregularities: not even bars and bolts resisted the ingress of forbidden guests. The wooden barriers, which covered the entrance, were displaced by some traitress within, who left no protection to her companions but the point of honor.

The first who improved the discipline of the convict ships, were Captain Brown and Dr. Reed, of the *Morley*: they endeavoured, by precept and example, to inculcate morality. Coercion had been found ineffectual, and the women, when restricted, filled the vessel with clamour and profaneness; but these gentlemen adopted a system of mental influence, and their prisoners, whatever was their subsequent conduct,

were far superior to their predecessors. The result of this instance led to a permanent amelioration, and proved what had hitherto been doubted—that even the worst societies can be controlled, by those who unite a sense of virtue with official authority.*

The safety ascribed to the system of prostitution, was but an apology for vice, and the voyage of the *Jane Shore* dissolved the illusion. The persuasion of the women accomplished what the male prisoners rarely attempted, and when on their passage to the colonies have never been able to effect. The soldiers and sailors, seduced by their caresses, seized the vessel, and having shot the captain and the chief officer, steered into a South American port. Once only, did a piratical plot assume a serious form. The prisoners by the *Chapman* devised a capture; but the report of the design being communicated, the guard was prepared for resistance. A deadly fire covered the deck with carnage: several were precipitated into the sea. The sanguinary conflict, which might have been prevented by timely precautions, obtained for the *Chapman* the popular prefix by which it is distinguished.† On one occasion, a vessel was in imminent danger, through the foolish incaution of the guard. It was the custom to discharge the fire-arms at sunrise, and to load them at noon: the interval seemed to offer the fairest prospect of success, and the prisoners extensively joined in the conspiracy; but they were overheard in conversation by a soldier standing at the hatchway: the ringleaders were seized, and the plot defeated.

During the shorter voyages, from port to port, such accidents have been much more common, although rarely successful. Knatchbull, a relative of the eminent Kentish family, and formerly an officer in the navy, enticed his fellow prisoners to attempt the capture of the vessel which conveyed them: but his device, to poison all but the conspirators with arsenic, was denounced.‡

The prisoners sent down from Sydney to Van Diemen's Land, were conveyed in small crafts and small numbers, and without much regard to their health; but as an ex-

* *Bigge's Report.*

† The bloody *Chapman*.

‡ This man, after an extraordinary career, closed his miserable life on the scaffold, for the murder of a female, to whom he was engaged. His relative conferred upon her surviving children a sum of money to ensure their education—an act of uncommon generosity which must obliterate the discredit of a relationship to one, who, however, perhaps blended insanity and deliberate crime.

ample of wretchedness, nothing could exceed the usual passage from Hobart Town to Macquarie Harbour. The unhappy men, often destitute of clothing, were placed in the hold of a vessel, without bedding or blankets, and were exposed, sometimes for five or six weeks, to the chills of a wintry voyage: on one such, there were thirty-five men, who had but four blankets among them; and one was found without any other covering than his shirt, in which plight he had been forwarded from the gaol.*

The surgeon-superintendent enters on his office at the same moment with the guard: his duties are multiform—the magistrate, the chaplain, the mentor, and the physician. The surgeons are usually popular with the prisoners, and the penal administration with which they are entrusted, is generally the most disguised. Educated men, they are not commonly haughty and capricious: they are able to distinguish moral imbecility from perverseness, and both from disease. The habit of scrutinising quickens their sagacity, and fits them for a station, where the knowledge of the heart is the great secret of control. Accustomed to behold human nature, stript of all its external trappings, the grade of the prisoner, in their estimation, does not wholly debase the man. Witnesses to the wretchedness of humble life, the squalor of its garrets and its cellars—observant that want, which sometimes forms the felon, much oftener makes the martyr, and crowds the hospital rather than the gaol—they are not incapable of pitying either class of victims. The horrors which others feel for disease, whether of the body or the mind, excite no antipathies in men who have devoted their lives to its relief: thus their government of convicts often affords a singular contrast to the agency which precedes or follows them. The recollection of their conduct is mentioned by the prisoner with respect, and even with fondness. No profession can better prepare for practical benevolence: what it withdraws from the sensibility it adds to the understanding; and those in charge of convict vessels have exhibited, in full average, the virtues of their profession.†

* Parliamentary Papers.

† "What chaplets are woven for men of slaughter! What statues to men slaying conquerors! What notes of glory sounded, what blaspheming praises to the genius of blood shedding! I have seen much of the ceremonies dedicated to these things, and contrasting my late feelings with my present, with what new homage do I venerate the race of Lintleys; the men who, like minor deities, walk the earth: and in the homes of poverty, where sickness falls with doubly heavy hand, fight the disease beside the poor man's bed—their only fee, the

When physical suffering became infrequent, and the arrangements secured both convenience and comfort during the voyage, it was long ere moral control, or a reformatory discipline, became objects of concern. A surgeon,* employed from 1818, amused the public with the details of his system of management—not wanting in humanity. He encouraged a joyous indifference to the past or the future: the prisoners sang from morning to night, and often spent the evenings in dancing. The greatest criminals were selected on principle for offices of trust, as far the most trusty! The discourse was licentious—the feats of thievery, the chosen topics of amusement and conversation. A stage, decked out with the remains of former spoil, exhibited “the forty thieves,” or a comedy of judges, officers, and felons: mock charges were enforced by barristers, arrayed in blankets; the bench was filled with an actor decorated with a quilt, while a swab covered his head, and descended to his shoulders. In the female prison ships, dancing and concerts, at which the cabin passengers were spectators, whiled away the voyage. The gross immoralities of a former period had subsided when he wrote: he mentioned the change with regret. A free intercourse, he thought, more conducive to reformation, as well as to harmony: the attachment formed by the women, softened their demeanor, and facilitated their control. Such were his views, and they had many partisans: but in connection we learn, without astonishment, that he thought contemptuously of saintship, considered reformation utopian, and honesty rather the result of habit than of principle; the convicts, more unfortunate in their detection than peculiar in their crimes: capable of the devotion of hypocrites; hardly of repentance. The dash of libertinism which sparkles in the pages of this writer, fell in with the humour of the day, and the work was popular. It greatly tended, notwithstanding its levity, to change the character of penal discipline in the colonies.†

The discipline of a convict vessel, as administered by Surgeon-superintendent Browning, exhibited a different scene, and was carried out in another spirit. The devout character of his mind, his confiding disposition, and boundless good-will, are well known in these colonies; and his

blessing of the poor! Mars may have his planet, but give me—what, in the spirit of the old mythology might be made a star in heaven—the night lamp of Apothecary Lintley.”—*Story of a Feather*, by Douglas Jerrold.

* Cunningham.

† *Two Years in New South Wales*, vol. ii, pp. 260-282.

management has been regarded with great admiration, or great contempt. His high valuation of human nature contrasted with the common official estimate: he not only saw fellow men in the worst prisoners, but practicable materials, which knowledge and judgment might form into comparative moral excellence. The plan of his government recognised a wide distribution of oversight and responsibility: the names by which he distinguished those whom he employed were flattering: they were not gaolers and turnkeys, but captains of divisions and delegates. He delivered lectures upon geography and astronomy: those who could play instruments, such as clarionet, fife, and violin, were stationed on the deck, while the rest marched in ranks. He instituted a court of enquiry, consisting of five persons, of which his clerk was the recorder, who examined witnesses, and disposed of trivial offences, by exhortation, warning, and reproof; and in more flagrant cases, these preliminary inquiries formed the basis of his own adjudication. He treated the prisoners as persons sequestered from society for their own good. He has shewn, by tables, that those who acquired a knowledge of reading under his instruction, often indeed imperfect, formed a large proportion of the whole.* His addresses exhibit the ardour of his character: most critics would discern a tinge of enthusiasm; which, however, is common to all, who successfully attempt the reformation of mankind. Under such a guardian, it may be imagined, that the physical welfare of the prisoners was carefully superintended. Medical comforts were distributed with great liberality: flogging was wholly disused. Moral influence, assisted by occasional deprivation of food or liberty, comprehended the agency he employed. The systems of Browning and Cunningham, though contemplating the same general objects,

• *Compiled from Dr. Browning's Tables.*

At embarkation.			On debarkation.
Year.	Ship.	Neither read nor write.	Unable to read or write.
1831	Surry	118	1
1834	Arab	194	1
1836	Elphinstone	158	None
1840	Margaret	102	6

were singularly adverse; and in nothing did they differ more pointedly than their estimate of the substrata of convict character, the influence of religious instruction, and the usefulness of the *cat*. Dr. Browning was subject to much imposition—a liability which meets every aspect of practical benevolence; but that he preserved order and health, discouraged blasphemy, provided for the occupation of time, and prevented gambling and speculation—that he sheltered the well-disposed from the violence and contamination of the worst—and that he parted with his charge, with their ideas increased and their moral sensibility awakened—is, with all deductions, a claim to no trifling praise. Colonel Arthur, a keen observer, mentioned the general emotion which separation occasioned: the prisoners heard his valedictory address with tenderness and reverence, and melted into tears.* To reproach his labors would be a sin against mankind; but an over-estimate of their effect, diminished the moral weight of their example. “Dr. Browning’s pets” became marked men; their conduct was watched with curiosity, often with ill-will, and their lapses were reckoned up with exultation.

The ample provision for the accommodation, exercise, and food of the prisoners, has been of late years a topic of complaint. They require more care, and a diet more nicely chosen, than laborers in health and mental tranquillity. Efforts to reduce these comforts have been followed by fever and physical prostration; and whatever aspect their treatment may wear, those who deprive them of liberty are bound to provide for their safety. The law sentences to transportation: no question of public policy could justify a minister, when converting that penalty into a sentence of death.†

Notwithstanding the length of the voyage, the navigation of convict vessels has been fortunate: for thirty years no vessel had been lost. The merchant ships met with the average of accidents; but the transports were supposed, by the curious, to be under a peculiar destiny. They attributed their safe passage to the force of the proverb, which implies that the trident of Neptune is powerless against the heritage of the executioner.

* “After he had examined them, and almost every prisoner had repeated a portion of scripture, he addressed them in a most affecting manner, and entreated them not to forget the lessons he had imparted; and on his withdrawing, I think there was not a dry eye amongst the whole of the prisoners.—*Col. Arthur, 1837. Par. Papers.*

† *Browning’s England’s Exiles, 1842.*

A succession of calamities, in the navigation of convict vessels, changed the aspect of their fortune, and filled all classes with commiseration: such was the wreck of the *Amphitrite*, in 1833, which struck on the coast of Bologne. That vessel was in a position of great danger, and the French pilot, Heuret, endeavoured to warn, in time to save; but the risk of the usual reward, it is said, the surgeon was unwilling to incur; and the captain, not less indisposed to forfeit his bond, which included a penalty for every prisoner who might escape. Their hesitation was fatal to themselves: the women were not permitted to come on deck, or to avail themselves of the opportunity to save their lives. These unfortunate females, to the number of 103, with their children, were drowned; and their naked corpses, floating to the coast of France, exhibited an appalling spectacle. The French and English mingled their tears, as they beheld the bodies strewed along the beach—some models of feminine beauty, others disfigured by the recent concussions; among the rest, a young mother, with her child clasped in her arms. Nor does it appear that the instructions of the government had ever foreseen or provided for such dangers, or authorised the temporary release of prisoners, when the situation of the ship might require their liberation.

The wreck of the *George the Third*, in April, 1835, excited the most painful sensations. Having fifty-three persons on the sick list, occasioned by a deficiency of proper food, Captain Moxley endeavoured to reach Hobart Town through D'Entrecasteaux's Channel: while running at an easy rate, and in smooth water, the leadsman cried out, "a quarter less four:" that instant the vessel struck; at first gently, then heavily, and in less than ten minutes she was a perfect wreck. The prisoners were below, imploring release: they rushed to the hatchway, where a corporal's guard was armed to repress them: they forced through the bars, and a few were seen to escape; the soldiers, ordered to resist their egress, then fired. The waters rushing into the hold of the vessel drowned the sick, and reached the knees of the convicts, who were ascending the hatchway; and Major Ryan, and the surgeon-superintendent, expected instant death. They succeeded in sending the long-boat on shore, amidst the cheers of the prisoners. Assistance was afforded by the *Louisa* schooner; and a party dispatched in the cutter, obtained help from Hobart Town: but of two hundred and twenty, one hundred and thirty-three perished. The fate of the convicts who fell at the hatchway, excited great commis-

seration and some complaint: the officers disclaimed the order to fire—an act which could only be excused by the danger to the whole company in a rush to the boat. A board of inquiry acquitted all parties of blame.

One man, only, was found on the wreck; an aged prisoner, on his passage to the colony under his third sentence of transportation: unable to face the surf, he lashed himself to a ring attached to the hull, and there closed his career of crime.

A disaster, not less appalling, occurred off King's Island, by the wreck of the *Neva*, in May, 1835, at 4 o'clock in the morning: she struck upon the rocks, swung on the reef, and admitted the sea. The pinnacle was lowered, and the prison being broken by the shock, the unfortunate women rushed on the deck; they filled the boat, which was instantly swamped, and all, except three seamen, perished. The long-boat was then carefully laden; but being upset by the surf, all sunk, except the master and chief officer: these having regained the ship, she parted; and the women, aroused from their beds in the twilight of a wintry morning, clung shivering to the fragments. Their cries of suffering and anguish were soon hushed, and of two hundred and forty, a few moments before slumbering in tranquillity, twenty-two only were borne on broken pieces of the ship to land; of these, seven died from exhaustion, and the remainder must have perished, but for the intrepid exertions of Mr. Charles Friend, who caught sight of their signals when passing the coast.

Two women disputed about the position of the vessel: exasperated by contradiction, they were tearing each other by the hair, when a wave swept them from the deck into eternity.

The wreck of the *Governor Phillip*, in 1848, was the last instance of such disasters. The vessel struck on a sand bank off Cape Barren Island; but, except four, all the prisoners were saved: six soldiers and five seamen perished, with Lieutenant Griffiths, the officer in command—a young gentleman of amiable disposition and great promise. He exhibited a brilliant example of humanity, calmness, and self devotion. The prisoners broke from their quarters, rushed on the deck, and obstructed the exertions of the seamen: entreating them to return, he gave them *his hand* and his word, that he would not desert the vessel until they were clear of the wreck. While some were conveyed to the shore, he remained knocking off the irons of the rest; and then finding the boat could not regain the ship, he

plunged into the sea, and was last seen struggling with the current. The risk of life is common to the military profession; but a sacrifice so nobly made, was surely not less glorious than when on the field of battle.

SECTION V.

THOSE who delight to distinguish practical wisdom from theory, will derive no countenance from the early practice of transportation. To rid the parent state of an encumbrance, was alone the immediate object of the government: all beyond was surrendered to fate. The absorbing agitation of Europe, then filled with wars and revolutions, diverted the public gaze from a distant experiment, and left to local discretion the details of its working. The difficulties of this extempore system were really great: that competition for penal labor, which afterwards made its distribution a boon, had no existence; the social influence of a strong body of settlers, habituated to industry, and expecting opulence as its reward, was an auxiliary unknown. Political economy, as a practical science, was lightly esteemed: the choice of instruments to effect a royal purpose, rarely determined by their specific qualifications. The first rulers of these colonies were, indeed, men of literary pretensions; several, of extensive nautical experience: trained on the quarter deck in the discipline of war, when royal ships were often scenes of great courage, and of equal despotism and debasement—when seamen were taken from the dock, impressed from the trader, and even stolen on the streets. Taught to govern a crew, they were judged by the ministry exactly qualified to coerce and control a body of prisoners. There were some advantages in this choice: they were men who knew how to subject the will of masses; their fearless temper felt no dread of those wild and lawless spirits surrendered to their power. They could transfer the system of the navy to the shore: they were not intimidated by hardships, and they were accustomed to privations: perhaps, no other profession could have furnished adventurers, on the whole, so well qualified for their task.

But in planting a colony, tillage is the first element of success; of this, they knew nothing: they could destroy

a fort, or erect a tent; but to subdue the earth to the plough, or to construct a town, required another education. They gave, and long preserved, to the site of the city, the name of *camp*: thus the first efforts at cultivation were unfortunate: they had passed two years in New Holland, scratching up the earth with hoes, and ought to have gathered a harvest, when they were on the verge of starvation.*

* At the period above mentioned, the colony was in imminent danger of perishing from famine, in consequence of the non-arrival of store ships from England. Captain Tench, in his interesting work on New South Wales, thus describes the situation and feelings of himself and his fellow settlers:—"We had now (that is, in the beginning of 1790) been two years in the country, and thirty-two months from England, in which long period no supplies, except what had been procured from the Cape of Good Hope, had reached us. Famine was approaching with gigantic strides, and gloom and dejection overspread every countenance. Still, we were on the tiptoe of expectation. If thunder broke at a distance, or a fowling piece of louder than ordinary report resounded in the woods, '*A gun from a ship!*' was echoed on every side, and nothing but hurry and agitation prevailed. As we had removed from Botany Bay to Port Jackson, it was judged necessary to fix a party of seamen on a high cliff called South Head, at the entrance of the harbour, on which a flag was ordered to be hoisted whenever a ship might appear, which should serve as a direction to her and as a signal of approach to us. Here, on the summit of a hill, did we sweep the horizon every morning from day-light until the sun sunk, in the hope of seeing a sail. At every fleeting speck which arose from the bosom of the ocean, the heart bounded, and the telescope was lifted to the eye. If a ship appeared here, we knew that she must be bound to us; for on the shore of this vast ocean, the largest in the world, we were the only community which possessed the art of navigation, and languished for intercourse with civilised society. In March, vigorous measures were become necessary. The *Sirius* was ordered to prepare for a voyage to China, but she was shortly after wrecked. On the 27th of this month, the following order was issued:—"Parole—Honor; countersign—Example. The expected supply of provisions not having yet arrived, makes it necessary to reduce the present ration, to render the mentioned allowance to every person in the settlement without distinction. Four pounds of flour, two pounds and a half of pork, and one pound and a half of rice per week.' The flour was afterwards reduced nearly one half, and the other articles in a less proportion. The pork had been salted between three and four years, and every grain of rice was a moving body. We soon left off boiling the pork, as it had become so old and dry, that it shrunk one half. We toasted it before the fire, catching the drops which fell on a slice of bread, or in a saucer of rice. The distress of the lower classes for clothes was almost equal to their other wants. Nothing more ludicrous can be conceived than the expedients of substituting, shifting, and patching, which ingenuity devised, to eke out wretchedness, and preserve the remains of decency. Nor was another part of our domestic economy less whimsical. If a lucky man, who had knocked down a dinner with his gun, or caught a fish by angling, invited a neighbour to dine with him, the invitation ran, 'bring your own bread.' Even at the Governor's table this custom was constantly observed. Every man who sat down pulled his bread out of his pocket. In May, the men became much weakened from want, and they were ordered to do only as much work as their strength would permit. Rigorous justice was executed on persons detected in robbing or pilfering. A convict detected in stealing potatoes was ordered to receive 300 lashes, to be chained for six months to two other criminals, and to have his allowance of flour stopped for six months. Further, to contribute to the detection of villany, a proclamation, offering 60 pounds of flour, more tempting than the gold of

Among the thousand persons landed, not one could be found possessing a knowledge of agriculture.* What they did not know, they could not teach. The misapplication of labor was prodigious: they acquired the art of cultivation by the slow process of experiment; and thus they came to a conclusion, only lately obsolete—that an Australasian husbandman is spoiled by the agricultural knowledge of Europe.

The immediate direction of labor, from the beginning, was committed to convicts. To stand over the prisoners, was not an agreeable occupation for gentlemen: thus the actual working of transportation, as a penal system, was entrusted to men, often clever and corrupt, whose brutal habits and savage demeanour excited disgust and fear. This error perpetuated itself: persons of character rejected a position, so often occupied by the worthless: even the distribution of labor was entrusted to such hands, or subject to their influence. To the prisoners, in reality, they sold indulgences of the crown, or exacted a revenue from their vices. The chief superintendent of convicts at Sydney, and who long determined what men should be dispatched to this country, was himself doubly convicted.† This was far from destroying eligibility: it became at last an official proverb, that bad men, from the very vices of their character, were the fittest for a direct supervision; and, finally, that the world is

Peru, was promised to any one who should apprehend a robber of garden ground. At length the bonds of misfortune began to separate, and on the evening of June 3rd, the joyful cry of '*the flag's up!*' resounded in every direction. I was sitting in my hut, musing on our fate, when a confused clamour drew my attention. I opened my door, and saw women, with children in their arms, running to and fro, with distracted looks, congratulating each other, and kissing their infants with the most passionate and extravagant marks of fondness. I ran to a hill, where, by the assistance of a pocket glass, my hopes were realised. A brother officer was with me, but we could not speak; we wrang each other by the hand, with eyes and hearts overflowing. Finding the Governor intended to go immediately in his boat down the harbour, I begged to be of his party. As we proceeded, the object of our hopes soon appeared—a large ship, with English colors flying, working in between the heads which form the entrance to the harbour. The tumultuous state of our minds represented her in danger, and we were in agony. The weather was wet and tempestuous, but the body is delicate only when the mind is at ease. We pushed through wind and rain, the anxiety of our sensations every moment redoubling. At last we read the word *London* on her stern. 'Pull away, my lads! she is from old England! A few strokes more, and we shall be aboard—hurrah for a belly full, and news from our friends!' Such were our exhortations to the boat's crew. A few minutes completed our wishes, and we found ourselves on board the *Lady Juliana* transport, with 235 of our countrywomen, whom crime or misfortune had condemned to exile. She had been about eleven months on her voyage."—*Tench's Narrative*.

* *Dr. Lang's History of New South Wales.*

† *Bigge's Reports.*

divided between the rogue and the fool. The use of power, when entrusted to such hands, is no problem; nor is it possible to imagine greater degradation, or punishment more capricious, than of the unfortunate person subject to such taskmasters; in whose hands, according to the custom of early times, the rod of authority was not a metaphor.*

That form of service, known as assignment, was established by Governor King in 1804. The master was bound by indenture to retain his servant for one year, and for every day deficient, a penalty of one shilling was imposed: the quantity of the work to be done was prescribed; contingent, however, on the nature of the soil, the state of the weather, and the strength of the workman: the surplus of his time might be occupied by the master, but his earnings were his own. Wages were £10 per annum, and for a female £7; but the deficiency of money, induced the employers to allot a proportion of time as a compensation, or to supply goods, on which an advance was claimed, often extremely oppressive; and when the season rendered servants less useful, the masters were tempted to obtain relief by false accusations, or to allow their men to quit the premises—who sought, by labor or theft, the means of subsistence.

To restrict the habit of change, Macquarie established the rule that no convict should be returnable, except for infirmity, sickness, or crime; but when the supply exceeded the demand, this condition was evaded, and the result—an accumulation in the hands of the government. A large proportion were from the manufacturing districts of Great Britain: they were utterly ignorant of farming, and when the plough superceded the hoe, they required a tedious training before they repaid the expense of their support.

The agriculture of this colony was long trifling: the convicts were chiefly employed as stockmen and shepherds: from the banks of the Derwent to the district of Launceston, the land in general was a wilderness, unfenced and untenanted: the men, stationed forty and fifty miles from their masters' dwellings, were rarely visited, and were under no immediate control. They were armed, to defend them-

* The decision of a magistrate was not necessary, to inflict punishment. The overseer stalked about with a military cane, and was not sparing of its use. "He would walk out behind the convict-hoers in a morning gown and morocco slippers, with a *Penang Lawyer* hugged close under his right arm, or borne like a royal sceptre before him, plucking at every tuft as he paced about, and drumming such a tattoo upon the shoulders of the unlucky wight, whose ground was not completely chopped, and grass fairly uprooted, as made the whole brush dance with fire-flies before him!"—*Cunningham*.

selves from the natives, and clad in skins: they lived in turf huts, thatched with long grass, and revived the example of savage life.*

It was the custom to allot to the superior officers, magistrates, and constables, in proportion to their rank, a certain number of men, who were subsisted from the king's stores. A skilful mechanic, or pedlar, was a valuable acquisition: he hired his own time, and paid from 5s. to £1, according to its estimated weekly value, while the master drew, for his own use, the rations of the servant. Others rented farms, and paid their masters in produce; and when "government men," as assigned servants were called, were unable to obtain payment, and thus failed to make good an engagement with the master, they were liable to be thrown back into their former position.

Tickets-of-leave were freely given to those incapable of much service to the government, or its officers: such as were useful, whatever might be their conduct, were long detained, and for a period often indefinite. Females, who arrived with property, were discharged to enjoy it. If followed by the husband, the wife was instantly assigned to his care. To enable a prisoner to support his wife when she joined him, or when a convict married a convict, if of no special value he was released to labor for himself.

No accurate account was preserved of these distributions, and a notice appeared during the government of Sorell, which required all women living at large to give an account of the grounds on which they pretended to freedom, or otherwise to obtain a regular ticket-of-leave.

Under a system so irregular, great practical injustice was occasionally inflicted: while advantages were enjoyed by artisans, who could hire their time; who obtained large profits from their trade, and indulged in every form of vice and licentiousness.†

* "The other inhabitants of the island (Britain) still maintained themselves by pasture: they were clothed with skins of beasts; they dwelt in huts, which they reared in forests and marshes, with which the country was covered."—*Hume's History of England*, chap. i.

† "A little wicked tailor arrives, of no use to the architectural projects of the Governor: he is turned over to a settler, who leases this sartorial Borgia his liberty for five shillings a week, and allows him to steal and snip what, when, and where he can. The nefarious needleman writes home, that he is as comfortable as a finger in a thimble; that, though a fraction only of humanity, he has several wives, and is filled every day with rum and kangaroo. This, of course, is not lost upon a shop-board, and for the saving of fifteen pence a-day (to government), the foundation of many criminal tailors is laid."—*Edinburgh Review*, 1823.

An action in 1821 (*Loane v. Beamont*), for the recovery of a debt incurred by a prisoner of the crown assigned to the defendant, illustrated the system which then prevailed. The man in question arrived in 1813, and in 1816 he was Beamont's government man, who then by verbal agreement, and afterwards in writing, engaged to sell him a farm, near Herdsman's Cove, for £1,400, including the stock and implements of husbandry. He possessed, besides a sum of money, a considerable flock of sheep. There was nothing disguised in this transaction: the annual rental was intended to cover the purchase. The judge remarked, that the memorandum "was as good a sale upon honor as ever he saw." The suit was an instance of the strange perversion of prison discipline, which however excited no remark, and therefore could not be uncommon.

At the close of Governor Davey's administration in 1817, the population of Van Diemen's Land was 3,114, and of these 566 resided in the county of Cornwall. The convicts were slowly augmented by deportations from Sydney, and they were subject to the absolute will of the officers. It is in vain to look for systems in a community so small, and separated by so great a distance from public opinion. Management was lax or rigid, according to the temper of the moment; and no object was contemplated by those who had power, except to render its exercise subservient to their private views. Previous character had no marked influence in determining the lot: a life of crime was no barrier to indulgence, when its price could be paid: the early career of the prisoners was generally unknown. The discipline was, indeed, often severe: lashes were administered by hundreds, and crimes or offences, were resented or forgiven, not according to rule, but circumstances. There were, however, gradations of penal banishment: as at Sydney, those separated to special punishment, were sent to Hobart Town; such as were still further implicated were forwarded to Launceston; but the dregs of all settled at George Town. What was the character of the inhabitants of that place, may be inferred from the Commissioner's Reports. Prisoners, male and female, living in skillings, the commandant disobeying the orders of his chief, inferior officers exhibiting flagrant immorality; labor compensated by the government in a currency of rum; sold by abandoned women—who were often the depositories of stolen goods passed from Hobart Town and Launceston. Such was George Town at, and for some time after, this era.

The charges against the prisoners, were such as result from slavery and debasement. All crimes, of less magnitude than murder, or burglary under aggravated circumstances, were punished in a summary manner. To prosecute, was to encounter ruin: the person despoiled, while pursuing the robber, lost the remnant of his property; and, returning to his dwelling, found it wrecked and pillaged. Mechanics, and others entitled to money, were paid in rum, and its prompt consumption was the only means to secure its enjoyment. Those who earned considerable sums, were rarely richer than their neighbours.

While Governor Collins lived, some order was maintained: it was during the rule of his successor that the British standard covered a state of society, such as never before possessed the official sanction. Once or twice a month, this Governor enjoyed a carouse, to which a sea-port, in times of war, might furnish an example. Having selected a station, not far from the town, he provided for the feast: the more talented of the convicts surrounded the tent, and enlivened the entertainment with songs. Rum, in large quantities, loaded the board: first the chiefs, and then their retainers, revelled in its overflowing abundance. The gaol gang, warned by his Honor's steward of the direction the guests had taken, sometimes followed after the jovial ruler; and when the moon arose, the Governor and his attendants, of various grades, might be seen winding home together. A number of settlers, whom he had offended, refused an invitation: when time had obliterated their resentment, he invited them again: the table was covered, and the guests were seated; but at that moment, the gaol gang, facetiously called the Governor's band, and who were posted near the spot for the purpose, burst into the chamber, and swept away all the provisions. The Governor pretended to regret this termination; but consoled himself by saying, he could "get a dinner at *Stocker's*." Such was this trustee of national justice!

SECTION VI.

THE adventurous habits of a hunting life, favored by the early necessities of the settlement, trained the prisoners to

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bushranging.* The lawless pioneers of the settlers repeated in Tasmania the exploits once common in Great Britain, when the merry green wood was the retreat of the outlaw; and always found where the population is scanty and the government feeble: the popular names of places denote the character or tastes of their early visitors and heroes.† The bushrangers at first were absentees, who were soon allured or driven to theft and violence; but so early as 1808, Lemon and Brown, by systematic robbery, had excited feelings of alarm: one of these men was surprised asleep, and decapitated, at Lemon Springs, which bear his name.

The severity of corporal punishment, which prevailed at that period, when no prison more secure than a stockade had been built, induced the accused to obtain a respite by retiring to the bush. Some men of milder disposition abstained from all active violations of the law, and kept aloof from offenders of a different temper. Of a sailor, who deserted to the forest, it is said that he not only refrained from robberies, but often prevented them: he had carried to his retreat a young woman whom he professed to love, and remained for three years in his seclusion. The romance of this event was, however, extinguished at the close of their exile: the man grew prosperous, abandoned his faithful companion, and married another.

Towards the close of 1813, the daring and sanguinary violence of bushrangers, reduced the colony to the utmost distress: the settlers, generally of the lowest class, received their plunder, and gave them notice of pursuit. Their alliance with stock-keepers, who themselves passed rapidly, and almost naturally, from the margin of civilised to a lawless life, was well understood: nor could they readily refuse their friendship: the government, unable to afford them protection, left them no other source of safety. The division of the colonists into those who had been convicts, and those who controlled them, naturally ranged all of loose principles on the side of the outlaws. Nor was their mode of life without attractions: they were free: their daring seemed like heroism to those in bondage. They not unfrequently professed to punish severity to the prisoners, and like Robin Hood of old, to pillage the rich, that they might be generous

• *Bigge's Report.*

† The following are some that require no key:—Murderers' Plains, Killman Point, Hell Corner, Murderers' Tiers, Four Square Gallows, Dunne's Look-out, Brady's Look-out, and Lemon's Lagoon.

to the poor. The course adopted by the government indicated the strength of the robbers: despairing to reduce them by force, in 1814 Macquarie tendered pardon, except for the crime of murder, to those who, within six months, should return to their duty. To give effect to this treaty, time was judged necessary for its publication; and to allow for the hesitation of the penitent, a distant day was appointed for closing the door.

This singular document was prepared by his Majesty's judge, who was thus himself bound in honor to its unexampled conditions; but the legal acumen of the robbers soon detected the error: its effect was not only pardon for the past, but, with the exception of murder, a license to ravage the colony until the date expired. Thus, they gathered the harvest of crime, and continued their depredations to the last. Nor was another advantage foreseen, although eagerly embraced by the robbers: they almost universally submitted, and having cleared with the law, were prepared again to abscond, and risk once more the chances of the field; but if the document was absurd, the conduct of the local authorities was not less impolitic. The removal of men, so well acquainted with the colony and its hundred retreats, was an obvious, yet neglected, precaution: some were satisfied with their past experience, but others lost no time in returning to the bush.

For several years the settlement suffered the utmost mischief from these bands of robbers: among those celebrated for daring, for resolute resistance, and for frequent escapes, Michael Howe, a seaman, obtained the largest share of fame. Formerly in the royal navy, and afterwards owning a small coal craft, he had acquired some notion of order and command. On his arrival in Van Diemen's Land, in 1812, he was assigned to Mr. Ingle, a merchant and stockholder; but he had declared, that having served the king, he would be no man's slave, and to cast off the yoke of such subjection was, perhaps, the main object he contemplated. Such was his pretence. Having received the benefit of the amnesty, he soon joined a gang, of which one Whitehead was the leader; among whom was a deserter of the 73rd regiment, and two aboriginal women. The settlers of New Norfolk, they deprived of all their portable property, their arms and ammunition; and shortly after, thus equipped, they burned the wheat stacks and barns of the police magistrate, Mr. Humphrey, and those of Reardon, the district constable at Pittwater. The following month they appeared again at

New Norfolk, and pillaged the residence of Mr. Carlisle, who advising his neighbour, Mr. M'Carty, of their vicinity, induced him to arm for the protection of a vessel, the *Geordy*, which he presumed they would endeavour to capture. M'Carty, and those who were with him, coming up with the robbers, demanded their arms. They were under the cover of a large hollow tree: the settlers were thus exposed to their aim: Carlisle himself received a ball in the groin, and three slugs in the breast, and died within an hour. O'Birnie, master of the vessel, was wounded by a ball in the cheek, which perforated his tongue and lodged in his neck. The banditti now commanded instant surrender, which being refused, the firing was renewed. The settlers were compelled to abandon one of their number, who was preserved by Whitehead from the violence of his comrades. When an account of this skirmish was received, armed parties were dispatched from Hobart Town, and came closely on their track. They re-appeared at the house of Mr. Humphrey, and compelled his servants to tie the hands of each other: they then plundered whatever they found useful, destroying the rest in revenge: they had discovered hand-cuffs in the house. Hitherto Whitehead had been the leader; but his spite ultimately led to his destruction: he conducted his gang to the house of M'Carty, into which they wantonly fired a volley of shot: a party of the 46th regiment were lying in ambush; a brisk fire commenced, and Whitehead was mortally wounded. The darkness of the night prevented pursuit: Whitehead ran towards Howe, who, at his request, immediately cut off his head. They had bound each other thus to provide against the recognition of a fallen companion—to deprive their pursuers of the promised reward. Howe then became the leader of the band. A party of soldiers succeeded in the capture of two who had separated from the rest: they also recovered ammunition and fire-arms, of which the settlers had been pillaged. To effect the reduction of such disturbers of the public peace, martial law was proclaimed by Lieutenant-Governor Davey—an exertion of power beyond his commission, and opposed by his only official adviser, the Deputy Judge Advocate. Macquarie promptly disallowed this interference with his authority. It was argued, that the right to declare martial law, if vested in Davey, might be claimed by any subaltern, whose distance from the central authority gave the plea of necessity. To bring the offenders to justice at all, it was first necessary to take them: when in bonds, they would cease to be dan-

gerous, and might be forwarded to the tribunal appointed by the crown. These arguments did not prevail to stay process: a court-martial condemned to death Macguire and Burne, bushrangers, and Stephens, a perfidious stock-keeper, by whom they had been countenanced.

The movements of the robbers were rapid: they plundered the residence of Mr. David Rose, near Launceston, and escaping a diligent pursuit, they re-appeared at Bagdad, a distance of 100 miles. Their scouts had informed them that property to a large amount would be found there: their confederacy was extensive, and it was asserted by Howe, that some most active in his pursuit, had been sharers in the profits of his crimes. The tone assumed by this robber, was that of an independent chief, and in the management of his men he attempted the discipline of war. They subscribed to articles, which bound them to obedience: penalties were inflicted, such as cutting and carrying wood for their fires, or even stripes. He professed the piety of a quarter-deck, and read to them the scriptures: his style and title was "Governor of the Rangers," and he addressed the King's representative as "Governor of the Town." His taste for ceremony was once curiously exhibited: having met a traveller, he ranged his party, and called on the stranger to witness an oath, which was administered on the *Prayer Book* by one of the gang. The purport of their vow might be inferred from their message: they said, they could set the whole country on fire with one stick, and thrash in one night more than could be gathered in a year.

Happily for mankind, the association of evil men is but transient. Howe, often absent from his party, without assigning reasons, awakened a suspicion: he retreated with a native girl, Mary, but was shortly after followed by soldiers. His companion was taken, and he lost his dogs, his knapsack, and arms: it is said, that he fired at the girl, because she encumbered his flight; but it was asserted by himself, that he only intended to alarm, and not destroy her. She became useful to the government, by discovering the resort of the robbers, and a flock of sheep they had stolen. At length, weary of his wandering life, Howe proposed to surrender to the government. A person, who had formerly joined him in an attempt to escape in an American vessel, became the channel of communication. Howe affected to dread the violence of the settlers, who might kill him for the reward, or to prevent his disclosures; but Governor Sorell sent Captain Nairne to the place of meeting, with an

assurance of present safety, and intercession for his forgiveness.

Society must have been at the verge of dissolution, when letters and messages passed between the government and an outlaw. To admit its prudence, requires a recollection, not only of the power of the robbers, but the number of their friends.*

The disclosures of Howe were not important, and his companions continued still a terror to the public: their losses were frequent, but they received continual accessions. They seized the boat, which carried provisions between George Town and Launceston; probably with the concurrence of the crew, several of whom joined them. They were now twenty in number, and it became necessary to unite the colony against them. The more opulent settlers were compelled to abandon their dwellings, and to take refuge in the towns. Sorell, by a spirited appeal, roused their more decided efforts to destroy the marauders: sums, subscribed by the inhabitants of Hobart Town, of eighty or one hundred guineas, were offered for their apprehension. A party of military traced them to the Black Brush, and thence to a settler's house at the Tea Tree, where they had dined. They had the advantage of position, but Geary, their leader, was slain, and several others wounded. The rain had damped the powder of the soldiers, which prevented their muskets from telling with full effect; but their success was ominous to the robbers.

Notwithstanding the character of Howe, on the plea of ill-health, he was permitted to walk abroad in charge of a constable; but whether he distrusted the promise of pardon, or preferred the license of the bush, he eluded his guard, and escaped—without, however, trusting his safety to the fidelity of his former companions. These soon met their fate: Hillier resolved to purchase his life by the sacrifice of his comrades. At midnight, while two of them slept, he attempted their destruction: cutting the throat of one, from ear to ear, and wounding the other with his own rifle.

* A more singular instance occurred during the rule of Colonel Davey. A reformed bushranger was dispatched to treat with a young man who had absconded from the commissariat: he resolved to accompany the messenger into the presence of the Governor; but he went armed. The kind old man received him with some rough salutation; but having discovered his pistol, he asked what was the meaning of that? In reply, he stated that he had resolved to shoot the messenger, if he found treachery—a precaution, which rather amused than offended the gallant commander. This statement, made by a survivor of the scene, is a curious relic of government.

The bushrangers were now reduced to three : Howe, Watts, and Browne. The last, surrendered ; but Watts conspired with a stock-keeper, named Drewe, to seize Howe. This man, when in charge of his master's flock, occasionally corresponded with him. They accordingly met him, at a place called Longbottom. Within one hundred yards of each other, these old companions in crime demanded, and agreed, that both should knock out the priming of their guns : they then kindled a fire. Watts threw Howe on the ground ; Drewe tied his hands, and took his knives from his pocket : they then prepared breakfast. After some delay, they proceeded to Hobart Town ; Watts, with his gun, walking before Howe, and Drewe behind him. The captive disengaged his hands, and, with a knife he had concealed, stabbed Watts ; and in an instant, seizing his gun, he shot Drewe dead. Watts then expected a similar fate ; he, however, reached Hobart Town, and was thence forwarded to Sydney, where he died of his wounds.

The Lieutenant-Governor, anxious to end the career of this desperate man, offered, beside the pecuniary reward, freedom and a passage to England to any prisoner, who might succeed in his capture. Stratagems were continually devised to entrap him ; but he retired into the distant parts of the wood, only appearing when hunger or lack of ammunition compelled his visits. His courage and skill made him a formidable antagonist : none would venture to face him ; yet so hot was the pursuit, that he again left behind his knapsack and ammunition. He continued at large until the 21st October, 1818. Warburton, often an accomplice, became his betrayer : he enticed him to a hut, where he said that he would find supplies necessary for subsistence ; and, notwithstanding his hesitation, which occasioned long delay, he was caught in the snare : having discovered the ambush, he retreated with precipitation ; but was overtaken, and slain.*

* "JACK WORRALL.—He was entrapped into the mutiny of the *Nore*, but the only part which he took in the proceedings, was writing out in a fair hand several papers for the mutineers ; and this he declared he did for no other purpose than to indulge his own vanity, in displaying his fine writing, upon which he had highly valued himself. He was tried after the surrender of the mutineers, and transported for life to Van Diemen's Land. 'I was now,' said he, 'determined to make a push for the capture of this villain, Mick Howe, for which I was promised a passage to England in the next ship that sailed, and the amount of the reward laid upon his head. I found out a man of the name of Warburton, who was in the habit of hunting kangaroos for their skins, and who had frequently met Howe during his excursions, and sometimes furnished him with ammunition. He gave me such an account of Howe's habits, that I felt

Howe was charged with several murders, beside those here recorded. It was the fashion of the day, to admit every rumour of his cruelty. It was stated, on doubtful authority, that having quarrelled with Edwards, a comrade, respecting some plunder, he slew him; that another, Bowles, having discharged a pistol in sport near his person, suffered the same fate—that he tied the hands and feet of the offender, and shot him dead. The death of Davenport, a stock-

convinced we could take him with a little assistance. I therefore spoke to a man of the name of Pugh, belonging to the 48th regiment—one whom I knew was a most cool and resolute fellow. He immediately entered into my views, and having applied to Major Bell, his commanding officer, he was recommended by him to the Governor, by whom I was permitted to act, and allowed to join us; so he and I went directly to Warburton, who heartily entered into the scheme, and all things were arranged for putting it into execution. The plan was thus:—Pugh and I were to remain in Warburton's hut, while Warburton himself was to fall into Howe's way. The hut was on the river Shannon, standing so completely by itself, and so out of the track of any body who might be feared by Howe, that there was every probability of accomplishing our wishes, and '*scotch the snake*'—as they say—if not kill it. Pugh and I accordingly proceeded to the appointed hut: we arrived there before day-break, and having made a hearty breakfast, Warburton set out to seek Howe. He took no arms with him, in order to still more effectually carry his point; but Pugh and I were provided with muskets and pistols. The sun had been just an hour up, when we saw Warburton and Howe upon the top of a hill, coming towards the hut. We expected they would be with us in a quarter of an hour, and so we sat down upon the trunk of a tree inside the hut, calmly waiting their arrival. An hour passed, but they did not come, so I crept to the door cautiously and peeped out—there I saw them standing, within a hundred yards of us, in earnest conversation; as I learned afterwards, the delay arose from Howe's suspecting that all was not right. I drew back from the door to my station, and in about ten minutes after this we plainly heard footsteps, and the voice of Warburton; another moment, and Howe slowly entered the hut—his gun presented and cocked. The instant he espied us, he cried out, '*Is that your game?*'—and immediately fired; but Pugh's activity prevented the shot from taking effect, for he knocked the gun aside. Howe ran off like a wolf. I fired but missed. Pugh then halted and took aim at him, but also missed. I immediately flung away the gun and ran after Howe. Pugh also pursued; Warburton was a considerable distance away. I ran very fast—so did Howe; and if he had not fallen down an unexpected bank, I should not have been fleet enough for him. This fall, however, brought me up with him; he was on his legs, and preparing to climb a broken bank, which would have given him a free run into the wood, when I presented my pistol at him, and desired him to stand: he drew forth another, but did not level it at me. We were about fifteen yards from each other—the bank he fell from between us. He stared at me with astonishment, and to tell you the truth, I was a little astonished at him, for he was covered with patches of kangaroo skins, and wore a black beard—a haversack and powder horn slung across his shoulders. I wore my beard also—as I do now: and a curious pair we looked like. After a moment's pause, he cried out, 'Black beard against grey beard for a million!'—and fired: I slapped at him, and I believe hit him, for he staggered; but rallied again, and was clearing the bank between him and me, when Pugh ran up, and with the butt end of his firelock knocked him down again, jumped after him, and battered his brains out, just as he was opening a clasp knife to defend himself.'"—*The Military Sketch Book.*

man, without much probability, was attributed to Howe: his remains were afterwards discovered, without confirming the suspicion. The relations of these men naturally led to treachery and revenge, and in the terms of their union retaliation was included. Howe kept the secret of his gang, and displayed much sympathy when his companions were sick or wounded. He was a bold outlaw, prepared to maintain his freedom at whatever cost; nor does it appear that he was wanting in those equivocal virtues, which are compatible with a life of violence and guilt. His knapsack contained a record of his dreams, written on kangaroo skin with blood; he was haunted by visions of his old companions who were dead: the subject of one, was his sister. He had made a list of seeds, vegetables, fruits, and even flowers, intended to adorn the seclusion which he contemplated. Howe's form was athletic, his countenance strongly marked; his beard of an extraordinary length, and he was dressed in the skin of kangaroo.*

Five years after his death, Howe's dwelling was found. The site was chosen with taste, in an open undulating country, stretching to the western mountains: the spot was secluded from observation, was covered with a large honey-suckle, and on a rise sloping to the stream. A gigantic tree, prostrate, which he used as a chopping block, was the boundary to which he permitted Warburton to approach.†

The privation, fatigue, and anxiety endured by the bush-rangers, they have often depicted with horror. The country, destitute of indigenous fruits or herbs, afforded no safe retreat; and they were compelled to hover round the inhabited districts to obtain ammunition, even when willing to live by the chase. The increase of the settlers has long prevented protracted concealment, and multiplied the chances of capture. Prompted by passion, or allured by the fascination of liberty, an unbroken succession of adventurers have sought shelter in the bush, and passed through the miseries of a vagrant life; but their suppression has usually been easy, and for years the penalty of their crimes certain.

* This account is taken from the *Sydney Gazette*, quoted by Wentworth; *Commissioner Bigge's Reports*, and *Bent's Life of Howe*.

† Bent, the government printer, published a pamphlet in 1818, entitled, "*Michael Howe: the last and worst of the Bushrangers*." This pamphlet was reviewed by the *Quarterly*; "it is, observes the reviewer, "the greatest literary curiosity that has come before us—the first child of the press of a state only fifteen years old. It would, of course, be re-printed here; but our copy, *penes nos*, is a genuine Caxton. This little book would assuredly be the *Reynarde Foxe* of Australian bibliomaniacs."—1820.

In the progress of these memorials, allusions to bush-rangers must occur; but the records of crime are disgusting. The Italian robber tinged his adventure with romance; the Spanish bandit was often a soldier, and a partisan; but the wandering thieves of Tasmania were not less uncouth than violent—hateful for their debasement, as well as terrible for their cruelty. They can rarely be objects of interest, save when points in their career illustrate principles, or exhibit traits in contrast with their ordinary course. It may be proper to notice instances of courage, of constancy, or of unusual suffering: they may set forth the social state out of which they have arisen, and thus the operation of systems; but who would delight to read the dull details of wickedness which crowd the annals of this country?

SECTION VII.

It was the policy of the local government to relieve the crown from that class of prisoners who were incapable of useful labor on the public works. The settlers from Norfolk Island, who had acquired their liberty, or fulfilled their military service, became the employers of prisoners: many of the masters, in their principles and habits, did not differ from their men—frequently, their accomplices and sharers of their spoil. Those engaged in the interior, in tending the flocks and herds, were often paid in proportion to the increase, and beside the property of their masters, they had charge of their own. This system, fraught with mischief, continued for many years, in spite of the interdicts of the government, and the fatal results exhibited in the courts of justice. Cattle and sheep stealing were carried to an astonishing extent: the owners, ignorant sometimes of the amount of their wealth, confided its safety to men incapable of resisting ordinary temptation. The more opulent estimated their annual loss at one-fifth of the increase; and in unfavorable situations, where many cotters were established, they found the preservation of their stock impossible, and relinquished the attempt in despair.* The brand was obliterated, often with great ingenuity: the I became H,

* Curr's account.

C was turned into G, and P into B; the more daring, blotted out all brands, by a heated shovel. Stock yards were enclosed and hidden by the bush, where cattle were slaughtered, and sheep by scores were salted down. Ewes were driven into the interior until their lambs were weaned, when they were returned to their owners. In supplying the commissariat, it was not unusual to drive a flock of sheep for inspection, which were again returned to the fold, and others from a stolen stock passed under the certificate thus obtained; and the plunder of the royal herds, were slaughtered and sold to the crown.

Such depredations were enormous: large gangs were in combination, and the first session held in Van Diemen's Land, brought to light extensive robberies, comprehending twelve hundred sheep.* These evils were encouraged by difficulties in the administration of justice. For five years, fifteen charges only were tried by the court of criminal jurisdiction in New South Wales: the prosecutor, the witnesses, and the prisoners were forwarded together. On one occasion, six were sent up for trial: the skins of the stolen beasts were deposited in a cask, and the proof was deemed complete; but of the same cooerage, another was prepared, an admirable imitation. This last was opened in court, but it was found filled with the skins of seals; and, by the ingenious transformation, the prosecution was satisfied.

It is just to observe, that the absence of legal redress not only prompted, but extenuated these violations of law: crime retaliated crime: the lower settlers carried on a system of plunder; but the uncertain tenure of property

* Session (Judge Wylde), 1821.

Cases.	Sheep in question.	Owner.
1	300	William Watterson.
2	100	Ditto.
3	250	Daniel Stansfield.
4	150	Robert Gillet.
5	200	Samuel Clements.
6	100	Edward Lord.
7	60	Crown.

Some of these robbers suffered death: others are still in the land of the living; and their names are suppressed, on the presumption of their reform.—*Compiled from Gazettes.*

weakened that moral principle which is its surest defence. The cattle stealer was himself a loser by the man he robbed: a stray beast was branded without question; the owner, when he discovered that his property was beyond his reach, except by the prosecution of the robber, adopted a shorter course. Reprisals thus lost half their guilt: nor is it wonderful that such feelings, as borderers were said once to cherish, prevailed among men who found excuses in their position, and indemnified their past or possible losses by the first spoil which came in their way.

But these combinations led to other crimes. The robbers had their accomplices and abettors: the theft complete, they grew suspicious of each other, and some who disappeared, were sacrificed by the jealousy of their companions. When engaged in these depredations, they usually set a watch: a cautious traveller avoided inquiry, and well authenticated instances proved how perilous, in those days of violence, was an expression of curiosity or suspicion.

To stop these plundering habits, the King's Commissioner Bigge advised a periodical sitting of the court in Van Diemen's Land. In 1821, Judge Wylde visited this country, and for various crimes, twenty-five persons were condemned to death, of whom ten were executed. One hundred and sixteen persons were incarcerated prior to his arrival—a large proportion, compared with the census (7,372); but two years after, the number charged with similar offences proved that crime was not abated. Among those who suffered death was George Richardson: his case illustrated the process by which such felonies were perpetuated. Formerly the confidential servant of Colonel Davey, he was employed by Dr. Scott, and had charge of his flock—himself being an owner of stock. Having received an order to supply Doctor Spence a quantity of sheep, he deliberately separated them from a neighbour's flock, and drove them to their destination, with the coolness proper to an ordinary transaction. The proof of guilt was too clear to be affected by artifice, though calculated to elude suspicion by its very deliberation. Nor is it difficult, when examining the criminal records of those times, to suppose, that the trepidation natural when violating the law, was overcome by the indifference of habit.

Few of the higher classes, it may be presumed, connived at these nefarious transactions: one memorable instance, proved that no class is absolutely safe in an atmosphere of guilt. A settler, connected with a Scottish family of great

respectability, thus forfeited his life. It was stated that his robberies were incessant, and that he leagued with bush-rangers; to whom, perhaps constrained by fear, he gave notice of danger by signals. A secluded sheep-yard was discovered, and a large sheep brand, of a remarkable shape: at a distance, four hundred sheep were found, bearing the mark newly made, which was contrived to obliterate the brand of Mr. Jones, the owner. The culprit had prepared this flock, to transfer to another person, to whom a number were due. It was in vain that witnesses testified to his character and to the respectability of his house: the jury pronounced him guilty, and he was executed. A friend, who accompanied him to the scaffold, heard him say, that that moment was the most happy of his life! It doubtless brought deliverance. He left behind an infant family, the last of whom was born while the father was in prison, and an aged parent in Scotland; who, long after he was dead, indulged her maternal tenderness, by preparing clothing for his use, and hoping for tidings of his prosperity. His name is suppressed, lest even now the record of his fate might meet the eye of a mourner.

Society, as it then existed, nourished every species of crime: tattered promissory notes, of small amount and doubtful parentage, fluttered about the colony: dumps, struck out from dollars, were imitated by a coin prepared without requiring much mechanical ingenuity; and plate, stolen by bushrangers and burglars, was melted down and disposed of in a similar form.

Nothing was neglected: they burnt the implements of husbandry for the iron; they robbed the gibbet of the chains: they even wrenched the plate from the coffin of an opulent merchant, and stripped him of his shroud.*

In looking at the origin of the population, and the various inducements continually offered to the perpetration of wickedness, the total dissolution of manners is no subject of surprise. It was, perhaps, but a small aggravation, that prostitution and concubinage were held too venial for remark: many of the officers of government made no secret of their relation to the women whom they adopted as mistresses, and sometimes respected as wives. Among the anomalies of the day, was the release of such females from compulsory attendance on divine worship, on account of the official preference they enjoyed—a curious immunity from a

* Mr. Birch.

penal obligation : to be taken, perhaps, as a sinister acknowledgment, that the government was not insensible to virtue—as the Russian courtesan extinguishes the candle of ceremony, and veils her patron saint.*

Sorell, on his accession to the government, attempted to reform the more flagrant abuses by which he was surrounded : he was aided in his task by Mr. Humphrey, a man superior, by education and habit, to many charged with similar duties. He established an exact register of the conviction, arrival, and distribution of the prisoners, and appointed times for the muster of such as were assigned. He imposed some restrictions on their wandering habits, and required that those who employed them should answer for their residence. It was the custom, however, to allow the greater part to reside in lodgings provided by themselves ; they thus spent their leisure time where they were exposed to perpetual temptation, and nightly robberies attested their diligence. The traders of Hobart Town, for several years, were compelled to sleep on their counters, and watch their property with the most scrupulous care : an inquiry who had been pillaged, became the ordinary morning salutation. The thieves broke through the walls with oriental skill : a stormy night afforded them a harvest. During a tempest of extraordinary severity, which deluged the streets and carried away fences, they contrived to pillage to a great amount ; a ladder was discovered at a window, constructed for the purpose, by which they ascended to the upper chamber, and thus proved that no elevation was safe. Nor did they confine their ravages to the towns ; they entered the store of a settler, and stripped his dwelling of £400 worth of goods, which they conveyed by boat to Hobart Town. Many were living without any lawful means of subsistence, and as their numbers increased, fraud and robbery were perpetrated in every house, and at every hour of the day.

Such was the state of the colony at the close of Sorell's administration, who found that without the means of nightly restraint, all regulations of police were in vain. On resigning office, he predicted the difficulties of his successor, and warned him that he must expect to contend with increasing crime.† To estimate the merit of Arthur's government, it is necessary to remember those evils—with what

* *Bigge's Report.*

† " I entered upon the government, at a moment which my predecessor considered a most eventful one. Circumstances, connected with convict population,

difficulty authority, long relaxed, is recovered—even by the most skilful and vigorous hands. When a few years had elapsed, the security of the colony was a subject of universal astonishment; and it was boasted, that men slept with their doors unlocked, and their windows unfastened, and often with property to a large amount strewed around their dwellings; notwithstanding, a dangerous temerity. By what means these results were, even partially attained, the reader will be curious to know.

SECTION VIII.

It will be proper, however, first to retrace the penal history of these settlements, and to mark the incidents which moulded their form, and contributed to their failure or success. The administration of the penal laws cannot be understood, except by a broad and continuous survey. The developments of one colony re-acted on the other: Van Diemen's Land, long the satellite of New South Wales, attended all its motions, and with it prospered or suffered. From the fortunes of that colony, the history of Tasmania is inseparable.

The evils described, were not of a recent origin; they may be traced from the commencement of penal colonisation: the journals of the first officers exhibit all sorts of mischief, which only entered into new combinations as times advanced, and property was diffused. Collins, whose account descended to the close of the century, records a perpetual struggle with vice and crime. What could be expected of men who burned their gaol at the risk of their lives, and the church to escape attendance on worship?

The first expiree, James Rouse, who was established (1790) as a settler, was industrious and successful. Phillip, anxious to test the competence of the land to sustain a cultivator, cleared two acres for this man, erected his hut, and supplied him with food. Fifteen months after, he relinquished his claim on the King's stores, and received thirty acres of land, in reward for his diligence. It thus became common to

which it would not be prudent for me to dwell upon in this place, co-operated to render it probable, in the opinion of Colonel Sorell, that crime would rapidly increase."—*George Arthur*, 1825.

afford similar facilities to expiree convicts,* but generally in vain.

The solicitude of Phillip was displayed in every form of kindness; but the proneness of his subjects to intemperance, defeated all his efforts: he gave them stock; and had scarcely left the land, when his gifts were sold for rum. His successor was not more successful, when he tried the same plan. Cargoes of American spirit produced the madness of intoxication; and the freed settlers neglected their farms, or anticipated their produce to obtain the liquid destruction. Their passion for gaming was universal: they sometimes staked not only their money and their goods, but even their clothing, and were seen to labor in the field, as free from clothing as the savages who surrounded them.

In spite of the dread of famine, they consumed their time and substance in intemperance: sold their seed, lent to insure their harvest. In the distribution of stores, robberies were daily committed; double rations were issued; and Collins ingenuously confesses, that office converted the most trusty into thieves; and that speculations were forgiven, because a change of agency was useless. All in superior circumstances, unprotected by military vigilance, were robbed and robbed again. Missionaries, who fled from Tahiti, found their countrymen more savage than strangers: one was wounded, and plundered of all his property; and another, murdered with an axe, while writing a receipt for a payment, which his destroyer thus hoped to evade. The Governor, in an imploring tone, enumerated the robberies which every day occurred, and hoped that the constables, in whose presence they were committed, did not profit by such crimes! Those who obtained their freedom, were a source of infinite annoyance: unable to depart from the country, they refused all kinds of labor; and, joined with others equally worthless, astonished the officers by the vigour and ingenuity of their spoliations.

The account given by Collins, is a valuable delineation of society when set free from moral influence, and proves how little simple coercion can check a general disposition to crime. So rare was reformation, that a single instance is mentioned with triumph: among the few who redeemed that settlement from utter dishonor, was George Barrington, celebrated for his dexterity as a pickpocket, and for his

* The instructions to Macquarie (1809) were—grants at 6d. quit rent. Thirty acres to an expiree, twenty for a wife, and ten each child.

pathos at the bar; who robbed a prince with the grace of a courtier, and was the *beau ideal* of swindlers. He was distinguished in New South Wales for his integrity in the office of chief constable, and his diligence as a farmer. He died regretted, in the year this dependency was colonised.*

Governor Hunter authorised the opening of a theatre at Sydney. The principal actors were convicts, and in default of a chamberlain, they were threatened, for a second offence, with the *penal* settlement. The price of admission, one shilling, was paid in meal or rum, taken at the door! Many had performed the part of pickpocket in a London play-house, but at Sydney this was more difficult; yet they were not discouraged: they saw by a glance at the benches what houses were left unprotected, and proceeded to rob them. The motto of the actors was modest:—"We cannot command success; but we will endeavour to deserve it." Their first play was *The Revenge*: the first prologue, characteristic both of the actors and the audience. The aptitude of one of these couplets, has transferred it into a proverb; but it is worth seeing in its connexion, as a representation of the real sentiments with which violations of the law were remembered.†

PROLOGUE.

From distant climes, o'er wide-spread seas we come,
Though not with much eclat, or beat of drum,
True patriots we, for be it understood,
We left our country, for our country's good;
No private views disgraced our generous zeal,
What urged our travels, was our country's weal.
But, you inquire, what could our breast inflame,
With this new passion for Theatric fame?
He, who to midnight ladders is no stranger,
You'll own will make an admirable Ranger.
To seek Macheath we have not far to roam,
And sure in Filch I shall be quite at home.
As oft on Gadshill we have ta'en our stand,
When 'twas so dark you could not see your hand,
From durance vile our precious selves to keep,
We often had recourse to th' flying leap;
To a black face have sometimes ow'd escape,
And Hounslow Heath has proved the worth of crape.
But how, you ask, can we e'er hope to soar,
Above these scenes, and rise to Tragic lore?

* *Collins's New South Wales.*

† *The Life of George Barrington*, written by himself, a respectable volume in size and typography, was published in 1810: nearly every paragraph is copied from Collins, the style being first debased; and the colored sketches are a mere piracy from other volumes. It was thought fair, by the ingenious book-sellers to use the name of a popular pickpocket, rather than one so little known as a Lieutenant-Governor. Of posthumous agency in thus picking the pockets of the priggish race, George Barrington's memory must be acquitted.

Too oft, alas, we've forc'd th' unwilling tear,
 And petrified the heart with real fear.
 Macbeth, a harvest of applause will reap,
 For some of us, I fear, have murder'd sleep ;
 His lady, too, with grace will sleep and talk,
 Our females have been us'd at night to walk.

Sometimes, indeed, so various is our art,
 An actor may improve and mend his part :
 " Give me a horse," bawls Richard, like a drone,
 We'll find a man would help himself to one.
 Grant us your favor, put us to the test,
 To gain your smiles we'll do our very best ;
 And, without dread of future Turnkey Lockits,
 Thus, in an honest way, still pick your pockets.*

The connection between ardent spirits and the early disorders of our penal colonies is patent at every stage of their progress. Then the habits of the navy were intemperate ; rum was considered the great parent of valor. The founders of our colonies never entertained a suspicion that society could exist without its aid. Thus the first fleet, in their progress, touched at a port to take in a large supply, which proved of the most deleterious kind :† every vessel was deeply laden with the same commodity. The limitation of wholesale dealing to the officers, was not to restrain its consumption, but to monopolise its profits. The advantage of its distribution, as an incitement to labor, atoned for the moral ravages it spread : for this reward alone, would the prisoners yield their full strength ; and when the taste, inflamed by indulgence, drove them to crime, or laid them in the dust, their ruin suggested no reflection beyond the general evils of intemperance. Had the light of science illuminated the imperial authorities, they perhaps had provided some check on this grand incentive to crime.

The deposition of Bligh was occasioned by this fatal appetite : whether from sullenness, or conviction, he discouraged the vendors of rum, and attempted to obstruct their living on the vices of the prisoners. The landing of a still, and its seizure, was followed by a series of altercations, which led to the military rebellion, and terminated his government. This event roused the public attention for a moment, to the state of the colony. In 1811-12 a committee of the House of Commons was appointed " to enquire into the manner in which the sentence of transportation had been executed, and the effects produced by that mode of punishment." The result was remarkable : the committee advised that more constitutional tribunals should be established, and

* *Life of Barrington.*

† Tench.

distillation allowed.* The ministers of the day feebly vindicated the royal commission violated in the deposition of Bligh; and having once more set in motion the machine of legal government by the appointment of Macquarie, fell back into long slumber. Thenceforth, and for many years, rum was a great agent in the working of government, and the source of private opulence. The monopoly escaped official hands, but the expees succeeded to the profitable calling. The large fortunes accumulated by many, were rarely derived from any other trade. Their prosperity was traced with startling uniformity: they sold their spirits to the settlers for produce, which they vended at the royal stores: they indulged them with credit, until hopelessly involved, when mortgages were executed, and foreclosed with a rapidity and precision which leaves modern conveyancing in the shade.† Individual powers of consumption were incredibly great: the expee farmer, and his not more intemperate prisoner servant, broached the vessel, poured out its contents into buckets, and drank until they were insensible, or until, roused to frantic vigor, they were swift to shed blood. Such scenes were common.‡

The specious advantage to the revenue, exhibited by our colonial statistics, protected a vice so useful. The influence of this interest cannot be overstated: to put down spirit drinking would, in equal proportion, disturb colonial finance. The demands of the public service were always in advance of its means, and no colonial administration was found sufficiently enlightened or courageous to add the prevention of this poisonous indulgence to the other consequences of banishment.

Macquarie revived the policy of the Stuarts, in regulating this trade: to Messrs. Wentworth, Riley, and Blaxland, he

* Heath: *Par. Pap.*

† Terry kept blank deeds ready at his public-house.—*Bigge's Report.*

‡ "Eighteen years ago (1802), the period when I arrived in this colony, it was lamentable to behold the excess to which drunkenness was carried. It was no uncommon occurrence for men to sit round a bucket of spirits, and drink it with quart pots, until they were unable to stir from the spot,"—*Dr. Redfern's replies to Macquarie; published by Parliament.*

This reference to the past was intended to contrast favorably with the present (1820), but drunkenness was not greatly diminished: the bucket and pannikin still were in request at more remote parts of the colonies, and their use was recommended as a "measure of police," to prevent the drunkards from robbing each other. Poured into a bucket, none could be unfairly abstracted—all shared alike; but had it not been so arranged, some rogue of the party would have removed some bottles, when the rest were off their guard; and thus reserved for himself the pleasures of intoxication, when the others were obliged, for lack of spirits, to be sober!

granted (1810) the exclusive privilege of importation, and by the duty they paid (7s. per gallon), erected a hospital. They proved, in defiance of economists, how monopoly can, sometimes, enlarge the supply, and thus increase the demand. They dispatched their agents to the Mauritius, India, and the Cape, and bought at 2s. 6d. per gallon; and arrack and rum deluged the colony. The success of their enterprise was great: in less than two years they obtained sufficient to raise the edifice, which could not want occupants, and cost more than £20,000.

The effects of this measure were flagrant: a letter, addressed by Marsden, the chaplain, to Macquarie, depicted the wretched condition of the prisoners. The scenes of dissipation which passed before him deprived him of repose. Free women, living at Parramatta, unprovided with public shelter, ran headlong into vice, and dropped all around him, slain by rum and dissipation. He stood aghast and powerless before the devastation: at times he observed, "I envy the situation of the most menial servant, who is free from this solemn and sacred responsibility."* The reply of Macquarie was witty rather than relevant. He told Lord Sidmouth, in effect, that the sorrows of Marsden were too deep for discovery: noted for the cheerfulness, and even gaiety of his temper, his movements were too rapid for grief; and his days, divided between the cares of farming, grazing, and trade—to say nothing of his clerical occupation—left him no time for sorrow.† The evils he described are, however, proved by uniform testimony: they must exist where dealing in spirits is the sure path to wealth, and wealth the title to social distinction.

In the *Rocks*, drunkenness and debauchery were constant and undisguised: persons of respectable appearance, in the day time, were liable to mal-treatment; but those who, in the night, entered the "fortress of iniquity," were usually stripped and plundered. Broils and boxing matches were of perpetual occurrence; the public-houses were "fences;" and degraded women, in large numbers, crowded these dens of thieves.‡

* Bigge, however, states, that Marsden himself was a trafficker in spirits, and felt naturally opposed to the profuse competition he encountered; yet the reader will recollect that this was the common article of barter—its use universal, in even the most correct society; and that it was rather to the disorderly habits of the houses which vended it, than to its consumption, that the most rigid moralists of the day would object.

† Letter to Lord Sidmouth.

‡ *Surgeon-superintendent Reid's Voyages to New South Wales.*

It is not necessary to give a chronological history of the spirituous epoch. The reign of intemperance commenced with the first proclamation: it received all the protection of law, and the favour of government: it was embodied in our penal administration. Whether it was possible to check its mischief, some may doubt; but that it has clenched the population fast; that it has formed our gangs—crowded our prisons; that it has covered our scaffolds, and filled ten thousand graves—is certain as death!

The correspondence maintained between the convicts and their friends, informed them of their prosperity. The alluring picture, drawn by those whose bondage was past, exhibited a social state, precisely suited to the taste of their kindred and acquaintance. The sensual and dissolute were tempted by the riotous jollity of the “Rocks;” those fond of equivocal commerce with the profits of trade; and others were cheered by the assurance that a friend in bonds would find a nominal master in a relative or former friend, when the formalities of inspection were over.* Such as brought out spoil, were besieged with offers of investment, and found themselves in a market where money was the passport to favor and indulgence; others, less fortunate, were pillaged by those who crowded them with welcomes,† or drawn into bargains which proved that no cozening art was lost.

To illustrate the occasional good fortune of prisoners, one Hazard, may be worth remembrance: he had been before transported; in 1815, he arrived under a second sentence, for life. While on the voyage out, he purchased a quantity of tobacco: he received, on landing, a ticket-of-leave; immediately married the daughter of an innkeeper, and obtained a license, in the name of his wife, to the same calling: he was patronised by the most respectable settlers, and enjoyed prosperity until his death, only five years after his arrival.

* Cunningham.

The following is a picture of things as they were:—“The madames on board, occupy the few days which elapse before landing in preparing the most dazzling effect, on their descent upon the Australian shore.” “With rich silk dresses, bonnets *a la mode*, ear pendants, brooches long, gorgeous shawls and splendid veils, silk stockings, kid gloves, and parasols in hand, dispensing sweet odours from their profusely perfumed forms—they are assigned as servants. The settler expected a servant, but receives a princess.”—*Macarthur's New South Wales*.

This is doubtless the language of caricature; but the extravagant pretensions of many, could be scarcely exaggerated.

† Bigge.

In this colony, the acting secretary of the Governor secured his ticket at his landing, and was long distinguished for the extent of his influence, and the elegance of his dwelling.* It may be presumed that, however explained on the spot, these examples were not lost on the republic of thieves; and many were disposed to try that fortune which was so often propitious.

The ordinary of Newgate, Mr. Cotton, a well-known name, in his evidence before the Commons in 1818, has left nothing to conjecture. The prisoners of his day "looked on transportation as a party of pleasure:" they departed from the prison with huzzas, and bade glad adieu to their less happy companions and keepers, exclaiming, "what a glorious kangaroo hunt we will have at the Bay."†

"Stabant orantes primi transmittere cursum
Tendebantque manus ripæ ulterioris amore."

VIRGIL.

To distinguish bravado from triumph, is sometimes difficult; but there must have been little to appal, where there was so much to hope: nor did they perceive that, though many were fortunate, not a few, at the brightest era, groaned in bondage; that degradation and suffering, sometimes, reached their utmost limits, at which death itself stops the hand of vengeance.

The opinions that prevailed among the prisoners, in reference to the intentions of the British government, were adopted by Macquarie himself; he held, like them, that the colony was established for the benefit of persons convicted, and that in forming a system of political government, their social welfare was the grand design to pursue. The notion was not without support. In the nominal list of the first fleet, not more than fifty in all were banished for terms exceeding seven years.‡ To suppose that these were perpetually excluded from the immunities of British subjects, would be to attribute to expatriation a forfeiture beyond the operation of English law. The opinion was further fortified by the distribution of land, under regulations which were intended to encourage their permanent settlement, and limited only to such as, "by their good conduct and disposition to industry, should be deserving of favor, and receive emancipation and discharge from their servitude."§ This opinion was still

* Bigge.

† Bennet, p. 77.

‡ *Phillip's Voyages*, 1789.

§ Macquarie's commission.

further sustained by the comparative neglect of emigration, and the selection of officers, for situations of authority and trust, from the ranks of the prisoners. A comparison of property acquired by the various classes, in 1820, explains many anomalies* in their social aspect, and vindicates the policy of Macquarie himself. It is shown, that the emancipists and their children were more than five times in excess of the free; and that their property in land, trade, and commerce, exceeded by more than one-half the possessions of the voluntary settlers.

To erect the barriers of caste around so small a section, and to exclude emancipists from the common intercourse of social life, was a task no Governor could then accomplish, without danger. The changes which followed Macquarie's administration, especially the growth of a free population, enabled his successors to effect what, in 1817 to 1820, had been attempted in vain. The opposition encountered by Macquarie, and which he resented with the ardour of his

* *Abstract of the Emigrant and Emancipist Population in the year 1820, with a schedule of Property belonging to them: compiled from the statements of the Emancipists.*

1820.	Emancipists.	Emigrants.
POPULATION—		
Adults	7,558	1,558
Children	5,859	878
	13,415	2,436
	2,436	
Excess of Emancipists.....	10,979	
PROPERTY—		
Acres in cultivation.....	29,023	10,737
Ditto in pasture.....	212,335	198,369
Houses in towns	12,000	300
Cattle	42,988	28,582
Sheep	174,179	8,739
Horses	2,415	1,553
Swine.....	18,583	6,804
Vessels	15	8
Capital in trade.....	£150,000	£100,000
Total estimated Property.....	£1,123,600	£526,136
	526,136	
Excess in favor of Emancipists : } rather more than as 2 to 1. }	£597,464	

character,* enabled his enemies to represent him as the patron of criminals. He was said to look upon their offences in the light of misfortunes, which they were to repair in the country of their exile, rather than to atone by the severities of toil and privation;† and that they were taught to look upon no title to property, as so just as that which had been derived by passing from crime to conviction; from thence to servitude, emancipation, and grant.‡

The difference of opinion and feeling between the Governor and military, led to the combination of emancipists, who did not veil their former condition, but ennobled it by raising it to a political interest; who adopted a designation, and formed a system of morality, to which it is useless to look for a parallel. They returned with bitterness the reproaches of the free, and insisted on the benefit of the proverb, which ascribes more virtue to the vigor of reformation, than the constancy of obedience.§ Their advocates would ask, with exultation, whether any emigrants were found whose life would bear a scrutiny? Whether greater crimes are not tolerated by the refinements of vice than those which are commonly visited with the vengeance of the law? or, exhibiting the doctrines of christianity in their aspect to the penitent, they thundered forth denunciations against the proud and the self-righteous! The champion of this system, Mr. W. C. Wentworth, turned the artillery of his wrath against the exclusionists: "and shall not," he exclaimed, in the ardour of his youth, "shall not the sole efficacious remedy be administered (the restoration of the civil rights, capacity to become magistrates and legislators), because a set of *interlopers*, in nowise connected with the purposes for which this colony was founded, wish to monopolise all the respectable offices of the government, all the functions of emolument, dignity, and power, themselves." "How can they expect pardon of God, if they withhold oblivion from their repentant fellow creatures." "Retrospection should not be

* "Now, in matters of opinion, man is like a pig: if you force him on he retrogrades. If you are really serious in attaining a point, make him believe the reverse is your object in view. Governor Macquarie, finding a number of demurrers to his opinion, instead of coaxing them into his views, looked upon them as his personal enemies, and often treated them as such."—*Cunningham*, vol. ii. p. 112.

† *Bigge's Report*.

‡ *Ibid*.

§ Mr. Hall, a free immigrant editor, addressed a meeting of emancipists (1822), and regretted he was not one of their number!—his sincere regret that he was not an emancipist! This, it must be recollected, was after dinner.

pushed beyond the period of arrival, but then subsequent good behaviour should be subject to the severest tests. The re-convicted offender, branded with the *lasting* impressions of infamy, should be rendered ever after incapable.”*

Such was the recognised code of the emancipist: it were, indeed, easy to see that the several convictions of some small rogue might not, in their aggregation, equal the crime of him who sinks a ship or burns a house, or the guilt of an atrocious offence, which escapes the last penalty of public vengeance, by some legal error; but to obliterate the first stigma of those who constituted the great body of a population, and whose self-respect was their chief chance of virtue, was not unreasonable.

The evils which rose from this system of oblivion, are to be traced to the indiscretion which formed a community of criminal origin. The effects produced by their equipages, luxury, and licentiousness, on the British population, when set forth in the language of romance, were not to be charged on the local government. It is in the nature of commerce to collect wealth: the traders were nearly all ex-convicts; they became rich, not because they were transported, but because some were industrious, others saving, and others fraudulent; and because they were in the midst of a system of expenditure, which made the Treasury of England their bank.

The acquisitions of men, who had been prisoners, with great absurdity and forgetfulness, were attributed to the laxity of the local governors. Even now, many who are dextrous, shrewd, and persevering, acquire considerable properties: their prosperity awakens no alarm, because they are lost amidst a dense population, and are surrounded by emigrants, who by similar vices or virtues are not less opulent, but far more numerous.

The first sound that fell on the ear of the prisoner, when he stood before Governor Macquarie, tended to animate his confidence: having enquired of his treatment through the voyage, he then informed him that the past was left to oblivion, and that the future would determine his condition.† This was often no vain promise: the sentiments he expressed were, more or less, recognised by the preceding Governors. The Commons, in 1812, gave his policy their sanction, and Earl Bathurst, though with more reserve, favored the same

* *Wentworth*, 2nd edit.

† *Bigge's Report*.

opinion. Macquarie never disguised this system of mercy.* When transportation only contemplated the establishment of a colony, this system of oblivion was useful; but the passage from the bar of justice to liberty, was sometimes not longer than the passage from England: and those who rose to wealth, by their character and career, gave to public retribution the aspect of grimace.

On the appointment (1814) of H———, as superintendent of convicts, an office then of greater *real* power than any other in the penal department of the British empire, Macquarie, says Bigge, gave an enumeration of his merits; and continued frequently to publish in the *Gazette* eulogies on his character. This is silyly sketched by the Commissioner himself, and with more precision by Dr. Reid, who was on the spot at the time. Mr. H——— was a convict, and was placed in office at Sydney, but breaking into the King's stores, either in person or by deputy, and taking away a bale of slops, he was re-transported to Norfolk Island, where he won the government notice by his diligence as a dealer in pork, and was recommended by the commandant to Macquarie. This man exercised his functions in the Turkish style: he rigorously depressed all unseasonable attempts at virtue; but nothing was impossible to those who were able and willing to pay, for whom he was accustomed to act as banker. His manners were coarse to loathsomeness, and he addressed the prisoners in language which outstripped their own;—"eclipsed them in wickedness, and in revolting filthiness." Nor was his domestic position more respectable: his wife was one of two, too bad for endurance, who were forced from the colony, and sent to England for reformation.† Such was the man entrusted with more than magisterial power.

While the female prisoners were landed, his clerks became

* When addressing the Secretary of State, Macquarie observes—"In my opinion (speaking of the voluntary settlers), they should consider they are coming to a convict country, and if they are too proud or too delicate in their feelings to associate with the population of this country, they should consider in time, and bend their course to some other country, in which prejudices in this respect would meet with no opposition. No country in the world has been so advantageous to adventurers as New South Wales: the free settlers, coming out as such, have never felt their dignity hurt by trading with convicts, even when they were such." Again—"It has been my invariable opinion, that a freeman, by pardon or emancipation, should be in all respects considered on a footing with every other man in the colony, according to his rank in life and character; in short, that no retrospect should, in any case, be had to his ever having been otherwise."—*Letter to Earl Bathurst*, 1813.

† *Reid's Voyage*.

brokers for masters, friends, and husbands. When ships arrived, boats crowded round them, and the visitors chose, among the female prisoners, a wife, or such other relative as might answer to their prior engagements.* Having *sworn* to these ties of kin, the superintendent assigned them according to the plan of the contracting parties, who, within twenty-four hours, had been total strangers. We may imagine the *eclât* with which so clever a device would be regarded by the correspondents of the fortunate transport.

Those whose appearance or dullness excluded them from these resources, were taken to the factory. On their arrival, "according to custom," they were met by a body of men, who, having satisfied the constables, spread before these women the spirits and provisions provided for the feast of welcome: what followed need not be told. The connivance of the superintendent, with the most of these excesses, might be expected from his character; and although he displayed considerable tact in subjecting the prisoners to his control, his appointment and prerogatives almost justified, and they fully accounted for, the rancour with which his patron was opposed and condemned.

Thus Macquarie did not exercise the caution requisite to preserve his generous designs from parliamentary censure: imprudent efforts to give effect to his conviction, involved him in a contest which hastened his recal, and it is said, shortened his life.† He raised to the bench, and invited to his table, several emancipists of wealth, and made their social reception the condition of his favor. When elevating to offices, he sometimes violated his own rule of forgetting the past, by basing his eulogy on the reformation of the person he delighted to honor. The details of their character, furnished by the indignant or malicious, cast an air of ridicule on their public reception. The subalterns of the army refused to join their superior officers in entertainments, at which emancipists were guests. The resentment of Macquarie aggravated the quarrel, until the differences divided the colony into factions, and finally originated the emancipist party; and by provoking observation, tended to increase the severity which fell on their successors.

In those times of despotism, many were transported for political offences, which in Great Britain leave no moral

* This was afterwards prevented.

† *Macarthur's Present State.*

stigma, and when forgiven by the crown, close no social circle.*

The prosperity of New South Wales—founded on the government expenditure, so vast as to excite the most serious complaints, but so subtle as to elude imperial censure—was but slightly participated by Van Diemen's Land. Its later occupation, the low character of the first settlers, and the subordinate station of its ruler, afforded no room for fashion. Many emancipists in Sydney had become wealthy by the vices of the less cunning and thrifty, and created a social state, without a precedent. They could command the most expensive luxuries; and, compared with them, the highest officers of the government were poor. They looked for the honors of opulence, and did not perceive that an emancipist must pass through oblivion to honor; and that, in this case, to distinguish is to stigmatise.

It was observed by Mr. Bigge, that when Macquarie made some emancipists magistrates, and professed by that dignity to restore them to the station they had lost, he forgot that they were elevated to a rank they had never filled. It was equally true, that a large number of free colonists, whose pretensions in early life were equally limited, rose by opulence to a superior station, and higher pretensions: to deny the usual appendages of their position, would be virtually to degrade them. Whether just or not, the formal exclusion of emancipists was a supplement to the penalty of the law, and, as such, must have been taken. It is not the actual exaltation, but equal eligibility of British subjects to the highest station, which constitutes that equality so

* "Men are governed by words: under the infamous term convict, are comprehended offenders of the most different degrees and species of guilt. One man is transported for stealing three hams and a pot of sausages; in the next berth to him, is a young surgeon engaged in mutiny at the Nore; another, was so ill read in history, as to imagine that Ireland was ill-treated, and too bad a reasoner to suppose that nine catholics ought not to pay tithes to one protestant. Then comes a man who set his house on fire; another, the most glaring of all human villians, a poacher; driven from Europe, wife and child, by thirty lords of the manor, for killing a partridge. Now, all these are crimes, no doubt; but surely to which attach different degrees of contempt and horror. A warrant granted by a reformed bacon stealer would be absurd; but a hot brained young blockhead, who chose to favor the mutiny at the Nore, may, when he is forty years of age, and has cast his jacobin teeth, make a useful magistrate and loyal subject.

"The most inflexible were some of the regiments stationed at Botany Bay—men, of course, who had uniformly shunned the society of gamblers, prostitutes, and drunkards; who had ruined no tailors, corrupted no wives, and had entitled themselves, by a long course of solemnity and decorum, to indulge in all the insolence of purity and virtue."—*Rev. S. Smith, 1823.*

grateful to Englishmen: the son of a sweep may keep the conscience of a king.

There were freed men, who were even detestable for their wealth; others, whose offences would not have excluded them from any society. Such was that of Mr. Redfern, transported when a boy, for dropping a word to the mutineers of the *Nore*. Society will ever make its exceptions, founded on the nature of the offence, the proofs of reformation, or the general character; but Governor Macquarie resolved to wash out the stain by authority, and to treat those as enemies who disputed his policy, or refused to share in its promotion.

The determination of the free to make no distinction between those who merited the oblivion of their offences, and emancipists atrocious in their history and character, rendered the hostility of caste more inveterate.

The measures of Macquarie were followed by years of faction: a press, representing emancipist interests and emancipist principles, and making the Governor the instrument or the object of the most violent hatred; still, on their side, the emigrants were often positive, virulent, and contemptuous.

From this, Van Diemen's Land was free: there were few whose wealth or education could pretend to rank. One gentleman so situated, Mr. Gatehouse, by his respectability and intelligence, won the respect of all classes: he was admitted to the table of the Governor, and was only distinguished by the colonists for his enterprise and probity. When an office of trust was in their gift, they chose him to share it with the chief merchants of the island; and thus pronounced the judgment which good men will adopt, against both an indiscriminating ban and an unlimited admission.

The Commissioner, Bigge, joined with the anti-emancipists, in almost every prejudice or opinion. Great as were the services he rendered by his keen observation and courageous delineation of colonial society, in this, and some other instances, he overlooked those facts of its history, which gave a disastrous prominence and authority to the emancipist settlers; and enabled them to claim consideration which offended the free men, not always superior in substantial merit.

But disabilities, far more serious and unexpected, united the emancipists, and obtained the sympathy of many who could not be charged with indifference to crime. The remission of punishment was in the discretion of the Governor-in-chief: the 30 Geo. iii, authorised the granting of pardons,

and the commission of the Governor, which recited this provision, was supposed to convey the power. In 1811, Macquarie declared that a long course of good conduct would be an essential preliminary; but the rule was more easily stated than enforced: and, in 1813, one day in the year was fixed for pardons. It was declared that conditional pardons could only be granted when ten years, or half sentence, had expired; or, for absolute pardons, until fifteen years, or three-fourths had been fulfilled.

Fond of dispensing mercy, he appointed a day, when those who thought themselves entitled crowded his presence. The petitions, drawn up by letter-writers, dwelt on every topic calculated to move to compliance; among which were profuse compliments to the Governor's benevolence and humanity. The concourse of supplicants was often very great—many venturing to ask, who did not hope to obtain; and whose sole claim to mercy, was the bad terms on which they lived with the law. The crowd pressed on with their (700) petitions, which the Governor read in their presence, and by one letter of the alphabet gave liberty to the impatient captives, or sent them back to merit freedom, as freedom was then merited. The *Court of Clemency*, thronged by suitors, would have afforded a fine subject to the artist—a scene unique in the history of man.

The dispensation of pardons was not regulated by any uniform principles. The interest of superintendents was given, as the reward of task-work performed for the crown; more successful, by services rendered to themselves. Such was a common condition; but many are mentioned, who obtained their pardons on easier terms than personal labor. The loan of a horse and cart, driven by his assigned servants, procured the liberation of the lender; others hired vehicles to convey his Excellency's baggage during his progresses, and thus paid in money the price of freedom. The bargain was public, and questions of national policy never entered the minds of him who granted, or those procuring the royal mercy. The grant of pardons, thus formed an important department of Macquarie's government.

A decision of the Court of King's Bench, *Bullock v. Dodds*, where the plaintiff was an emancipist, seemed to peril their freedom and property. The defendant, when sued in England on a bill, pleaded the attain of the plaintiff, who had received the pardon of Macquarie. The validity of these remissions, which affected great numbers, was thus brought to the test. The Chief Justice, Abbott, declared that an

attainted person was, in law, as one *civiliter mortuus*: he might *acquire*, not because he was entitled to *hold* any possession, but because a *donor* could not make *his own act* void, and reclaim his *own gift*. Thus, a person giving or conveying property, could not *reca*l it, but the convict attain could not *hold* it; and it passed to the hands of the crown, in whom the property of the convict vested. This being the law, any ticket-of-leave holder, or any person whatever standing on the pardon of the Governor, was liable to be deprived by the crown, or obstructed at any moment in attempting to recover by suit at law.

The practice of the Sydney Supreme Court had long virtually rejected such distinctions. The mixed considerations of convenience and equity induced the judges to allow the witnesses and plaintiffs the same privilege, whether under attainder or not. Judge Field* declared, that while the crown did not interfere, the court would not touch the property of the convict: nothing but an attested copy of conviction, would be admitted as evidence of conviction. Nor would the proof of transportation, of itself, as the law then stood, prove the incompetence of a witness. His time might have expired; his expatriation might have been the condition of his pardon, or his offence might have been a misdemeanour, and not involve the corruption of blood;† and, except for perjury or subornation of perjury, the King's pardon might restore his competency to give evidence, or hold property. On these grounds the courts of New South Wales were enabled to evade the plea of attainder in bar of a just action.

But the decision of the King's Bench discovered a serious omission in the forms of pardon issued by Macquarie, and further enquiry even threw doubt on his power to grant them at all. The Act of Parliament empowered the crown to delegate the *authority to remit* a sentence of transportation, to the Governor of New South Wales; but the commission of Macquarie said nothing of this power, except the criminals were colonially convicted, when he could grant reprieves and pardons. His *instructions* authorised the pardons to British offenders, and those instructions were warranted by *parliamentary enactment*; but the royal commission gave *no such power*: and thus all his pardons were legally void.

* Doe, on demise of Jenkins, v. Pearce and wife.

† † 1814: 54 Geo. iii, took away the corruption of blood, from children born after conviction, except in case of treason and murder.—*Sydney Gazette*, 1818.

Another essential condition was neglected : to give effect to the pardon of the Governor, it was required that he should transmit to the Secretary of State the names of the persons whose sentences he remitted, to secure their insertion in the next list of general pardons. This course had never been taken : no list of remissions had been furnished to Downing-street.

Among the extraordinary omissions of the government at home, was in many instances the place of trial, and even the sentence of the transports ; to save the labour of penmanship, "ditto," was sometimes the sentence found under another name, in the line of which 7, or 14, was written ; not at full length, but in numerals. Some "indents" exhibited erasures : in one, a sentence of seven years had been converted to "life." More strange than all, some were sent without even their names, and others without any sort of information of their crime or sentence ; and the authorities felt justified in gaining by artifice, from the unsuspecting prisoners themselves, what the ministers had neglected to furnish.

An Irishman, who could give no information, was suited to a sentence by a process of analogy : he was set down, in compliment to his comrade, for "life."* The regular transmission of this kind of information was neglected, chiefly, by the Irish executive ; ever slow to perceive the obligation of reason and justice. The longevity of abuses is among the most instructive lessons of history. The first fleet left their lists with the owners of the transports : soon after their arrival, several prisoners declared their sentence was completed ; this, the government was unable to affirm or deny, and therefore did nothing ; but one of the claimants, having expressed his discontent in a manner disrespectful to the Lieutenant-Governor, received 600 lashes, and six months in irons!† Such atrocious neglect of the first principles of equity, is a sad set-off against the license of indiscriminate pardons. The Roman judge was a far better casuist : "For it seemeth to me unreasonable, to send a prisoner, and not withal to signify the crimes laid against him."‡

A quarrel between Mr. Justice Field and Mr. Eagar, an emancipist attorney, displayed more forcibly the effect of the decision of the English Chief Justice. Judge Field presided

* *Bigge's Report.*

† *Collins's New South Wales.*

‡ *Acts.*

at a session of magistrates at Parramatta, when Eagar attempted to act as counsel: this was prevented by the court; and the judge, as chairman, expressed himself, in reference to Eagar, in terms of severe disapprobation and contempt, stigmatising him as a common *barrator*, or mover of quarrels, whom the Governor might justly prosecute for sedition, or banish from the colony. Eagar, not daunted by the philippic of the judge, resolved to sue him in a secondary court for slander, and to recover back fees paid in the Supreme Court, and which he alleged the judge had levied illegally; but Judge Field ordered his solicitor to file an affidavit of his belief that Eagar was under attainder, and prayed for time to obtain an office copy of his conviction: this course was allowed, and the action defeated.

Not long after, Eagar attempted to recover certain penalties imposed by the Act of Charles II. on foreign merchants trading in the British plantations: the penalties were enormous, and the law was obsolete. The particular object of Eagar was, to suppress the competition in the sale of tea, which the superior trading connection of Messrs. L. Mestre and Co. enabled them to offer. The French merchant very fairly pleaded the attainder of the plaintiff, and Judge Field, in giving judgment, insisted on the obvious injustice of the suit; that men, whose trading was permissive—themselves the creatures of indulgence—and who, by connivance, were allowed to become wealthy and prosperous—should endeavour to rouse forgotten and restrictive statutes, to put down useful commerce, and abuse privileges conceded by the clemency of the court; to force the court to become the instrument of oppression: he therefore allowed the plea of the merchants to bar the action of the plaintiff.

All this, on the face of it, was just; but the emancipists saw that it gave to the judge a discretion which laid them helpless at his mercy: the same plea might be offered, to cover a fraudulent debtor, or deprive a large majority of traders of legal protection. Nor was it a competent answer, that the policy of the colony had been of an opposite description: to stand on suffrage, was to stand in peril.

Prompted by this feeling, the emancipists formed themselves into committees at all the settlements, and obtained the countenance of the Governor to a plan for moving the British legislature, to correct the anomalies of the law. At a public meeting, Mr. Redfern presiding, the administration of Governor Macquarie was the subject of their glowing

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eulogy. They predicted, that his name would be immortalised by the gratitude of their descendants, who would remember his policy with veneration. Against this meeting the judges protested, and professed to foresee great peril to the dignity of their tribunals, and to the public safety; but the calm and guarded proceedings of the emancipists avoided the scandal, and gained their cause some support. The indignation of the judges was unreasonable: in the administration of justice they had usually protected the equitable rights of the emancipists; but it was no reason for astonishment, that a large trading interest felt uneasy in holding by indulgence privileges of so great importance, and were anxious to obtain, by a declaratory statute, the remedy of their grievances. Mr. Eagar was nominated secretary to their body, and instructed to obtain parliamentary support: in this he was successful.

In the discussions of the Commons, the discontent of the emancipists was condemned by the tories, and vindicated by the whigs. Peel charged Macquarie with culpable neglect, in omitting to forward the lists; but he observed, no general pardon had been issued for fifty years: what it meant, was unknown! The Act required the Governor to send home the names, and the Secretary to insert them in a general pardon; but he could not tell in what manner to perform this duty. This was, he said, of no practical moment: an individual might sue out a pardon, under the great seal, without cost. He strongly opposed vesting by law in the Governor, a power to grant absolute pardons—an interference with the prerogative royal, and dangerous to public justice. To sustain this opinion, he instanced the case of a man who had been transported for forging a title to an estate, and who, under such a pardon, had returned to Scotland to pursue his claim.

The zeal of Eagar in the cause of the emancipists, provoked the animadversion of ministers: they hinted that he was liable to be treated as a felon at large, and was indebted to the lenity of the executive for his safety; but Sir James Mackintosh, who gave respectability to the cause he espoused, vindicated the claims of the emancipist with great warmth, and excused the earnestness with which the confirmation of his title to liberty had been sought. That great and good man displayed, in every debate, the generosity of his temper: always the enemy of despotism, every form of oppression called him into action, and the emancipists were largely indebted to his eloquence. After long delay, this

agitating question was settled, but with a reservation of serious moment. The new law* confirmed all the pardons granted in New South Wales, with the rights they included; rendering them of full effect when they should be ratified by the crown. It further provided that no future pardon should be held valid until allowed by the Secretary of State, and then only within the colony of New South Wales and its dependencies—a serious drawback from the attractions of the boon, as understood before; but which was no barrier to the further extension of the royal clemency.

The opponents of Macquarie argued, that the profusion of mercy had not been followed by reformation: the emancipists, they alleged, were unchanged in principle, and never abandoned their habits of crime. This view was sustained by Mr. Wentworth's representations, which were intended to subserve another end. He attempted to prove that financial oppression had driven back the expirée on his former course, which the anti-emancipists maintained he had never forsaken.† It was, however, the universal opinion, that atrocious crimes were diminished, and misdemeanours increased.

The penal statistics were swollen by the extensive jurisdiction of police: by the cognizance of acts which, in other countries, are left to opinion. The distribution of public money, annually increasing towards a quarter of a million, placed within the reach of all the pleasures they were accustomed to obtain, without the risks of crime. A closer inspection does not, however, exalt our opinion of their moral worth; of 4,376 emancipists, reported by the chaplains, 369 were tolerable, but 296 only were respectable.‡ Nor was the accusation without force, that the proof of reform, admitted by Macquarie, was the possession of money; that to thrive, by whatever means, within the letter of the statute, was to honor the law, and to deserve well of the crown.

The administration of Macquarie was attacked with great

* 4 Geo. iv.

† Mr. Wentworth states the trials in the criminal court in 1806, as 117, in 1817, at 92; but then he asserts, that offences had increased, subject to summary jurisdiction, from 300 to 1,000, while the population (20,000) had only doubled. He was not, however, ignorant, that many of those offences were not such in law or morals, but merely violations of local regulations (*Wentworth*, 2nd edit.). The colonial convictions were, with few exceptions, of persons who had been transported before: of 116 persons for trial at Hobart (1821), 79 were then under sentence, and 37 expirées—the entire number.—*Bigge*.

‡ “With regard to character and respectability allow me to observe briefly, that while some are in general well-conducted persons, little that is praiseworthy can be advanced: there is not much religion among the best, and the far greater part have not the appearance of it.”—*Rev. Mr. Cowper*, 1820.

vehemence, and every detail of his scheme called in question. The British government never had a system: the ministers treated every difficulty as a thing apart from all others; and thus to arrest one form of mischief, they released another. They directed the establishment of separate settlements, and thus occasioned the vast expenses of their control. They then approved the concentrated labor of Macquarie, and when its cost became severe, advocated dispersion. Every parliamentary discussion terminated in the abandonment of some principle, or the establishment of some novelty. Always affected by the passing aspect of transportation, the people of Great Britain never acquire a connected view of the causes which alter its results; and have thus condemned or applauded the local officers, for events casual or inevitable.

To diminish the pressure of the prisoners on the British treasury, Macquarie granted tickets-of-leave: the holders, without employment and without capital, became robbers. Then he turned his thoughts to public works of permanent utility, and requiring continued labor: these projects gradually absorbed his attention, and perhaps perverted his judgment. Inspired by an able architect, whom the chances of public retribution had thrown in his way, his erections greatly surpassed the simple constructions of his predecessors. The settlement assumed the aspect of a large building establishment, such as were seen in the ancient world, when captives were subject to task-masters, and generals were chief masons. The more skilful the mechanic, the greater his value to the works, and the smaller his chance of liberty: yet, to reconcile him to his lot, he was mostly permitted to choose his own abode, and was enabled, by his surplus time, to obtain all the comforts and luxuries of the colony. But the expenditure, which added to the opulence of the settlers, enabled them to build also: they looked with envy on the government which detained so large a proportion of the mechanical power: they forgot that the unproductive employment of large numbers created the demand for their crops, without which no dollar had been theirs to spend. Their outcries rung in the ears of the Commissioner: he blamed the improvidence of the Governor, who had rejected their applications, and threw some ridicule on his architectural ambition. The Commissioner only saw a gaol, but Macquarie believed, that when he erected an edifice he was forming a model; and that in aiming at symmetry and refinement, he was fixing the taste of a people.

The difficulty of reconciling adverse elements in penal colonisation, has been ever visible. The modern principles of colonisation demand concentration: the establishment of so many branch settlements was considered, from the beginning, a great economical error; and by those unaware of its justification, was the subject of strong and pointed condemnation. No sooner, it was observed, had the settlers landed their boxes, than they started a division for Norfolk Island; and others, in rapid succession, broke off into fragmentary colonies. The same bridges, schools, and courts, would be sufficient for ten thousand united people, but must be multiplied with the separate settlements. It was urged that the concentration of labor would decrease the expense of its supervision, and extend the resources of the community, by varying its industry. Such were the doctrines of political writers,* but when they were adopted they were found to produce unforeseen practical results.

The dispersion of the first era was necessary to safety: in the time of Macquarie the public was in no apprehension of rebellion or famine, and thus prisoners could be combined; but the aggregation of bad men will always exhibit an appalling and disgusting aspect: and the excesses, sufferings, and debasement connected with the public works, the speculation of the officers and the indolence of the men, brought again in view the evils of associated labor; and reinforced the arguments for dispersion. The men, when together, became dealers, and indulged in all the vices of cities; scattered, they became savage, and filled the colonies with crimes.

The secondary settlements have been often the theatres of great iniquity and oppression, and the commandants have dared injustice, which no supreme authority would venture: to these meaner, and sometimes contemptible agents, the prisoners must be subjected, on the principle of dispersion. Such practical difficulties start up at every instant, and thus expose the policy of the government to perpetual oscillation. An instance, of later date, will demonstrate the danger of minute sub-divisions, which exclude a public press and a public opinion. A commandant resolved the seduction of the daughter of a prisoner: he crept into her father's house, and offered violence. The father wrote to the Governor (Brisbane); his letter passing, of course, through the office of the commandant; who read the complaint, and ordered the aged parent to the triangles. The doctor, knowing the

* *Edinburgh Review*, 1803.

nature of the offence, refused his sanction, on a plea of health. The tyrant still insisted ; but the obstinate humanity of the surgeon prevailed. What then ? The father was sent from the station, and, after a while, the daughter was thrown on Sydney, a prostitute. This officer had an accomplished wife : she detected improper company in her room, and her exasperated husband broke her arm to repress her outcries ! It is to such hands that the prisoner has been too often entrusted : to men, only known for their vices—broken down by debt and dissipation—who have taken refuge, with the wrecks of their fortune and reputation, in a military command.

The obligation of this history to the Reports of Mr. Bigge, renders it proper to explain the origin, nature, and operation of his commission. The representations of several colonists, that the administration of Macquarie was subversive of public justice and favorable to crime ; that his expenditure was lavish, and his projects ridiculous, had reached the house of parliament. To these charges the Rev. Samuel Marsden, chaplain and magistrate, added the full weight of his authority. This person, from his long residence, had assumed a prominent place among the magistrates. By his connection with two great societies for the propagation of Christianity (the Church, and the London), he commanded large influence in the religious world. Nothing can be more opposite than the estimates of his character, given by the partisans of the emancipists, and those furnished by his ecclesiastical associates. Soured by the vices rampant around him, and perhaps deteriorated by the administration of justice, when it was hard to distinguish the magistrate from the executioner, he does not always appear to have merited the unmeasured eulogies of his friends.* He was, however, celebrated for his attention to the islands of the Pacific, whose welfare he promoted with exemplary diligence : his house was the home of the missionaries who touched at Port Jackson ; whose letters spread through

* " His sentences are not only more severe than those of other magistrates, but the general opinion of the colony is, that his character, as displayed in the administration of the penal law in New South Wales, is stamped with severity." — *Bigge's Report*.

Such was the idea of the people on the spot ; but Mr. Wilberforce observed, in the House of Commons, he was—" a man who acquired the admiration of all who knew his merits ; a man who shone as a bright example to the moral world—who deserved the title of a moral hero : who had overcome difficulties for the amelioration of his species, in the most unfavorable circumstances ; which would always endear his name to the friends of humanity." — *Wentworth*, 3rd edit.

Europe the reputation of his benevolence. In reference to his ultimate intentions, their apprehension of his character was probably just; but the magisterial office is rarely compatible with the duties of an ecclesiastic—least of all, when punishments were discretionary, and inflicted on the spot. The servant, charged with a misdemeanour, he flogged; who then took to the bush, and re-appearing, charged with a capital crime, was hanged; and the magisterial divine attended him on the scaffold. This was not peculiar; most clergymen were magistrates. But Marsden was warm and sensitive—perhaps, resentful. The punishments he inflicted were distinguished for their severity: his opposition to vice, his unsuccessful struggle to prevent it, and some methods of coercion, not then uncommon, but which now look like torture, exposed him to the hatred of the prisoners. The differences between Macquarie and this resolute clergyman, were frequent—they ended in open rupture; and at length became so personally offensive to the Governor, that Marsden was dismissed from the commission of the peace.

Mr. Henry Grey Bennet, member of parliament for Shrewsbury, addressed a letter to Earl Bathurst, founded on the material furnished by Mr. Marsden. This publication delineated a great variety of abuses, and charged Macquarie with ignorance, rashness, and oppression. Having thus prepared the way, a motion was made in parliament, which led to the issue of the Commission of Enquiry, entrusted to John Thomas Bigge, Esq., a relative of Mr. Bennet, and by profession a barrister. The Commissioner was attended by Mr. Hobbs Scott, formerly a wine-merchant, and afterwards Archdeacon of New South Wales; on whom the prosecution of the enquiry devolved, in the event of the Commissioner's death. The appointment of this commission was extremely painful to Macquarie: it expressed distrust in the government, or the ascendancy of his opponents in parliament. Nor was it difficult to foresee, that an enquiry conducted by one individual, who must depend on the statements of factions, and colonial factions, of all the least scrupulous—always liable to many serious errors—must become a formidable instrument in the hands of one or other of the parties struggling for supremacy.

The Commissioner landed (October, 1819) in New South Wales, with the honors due to a gentleman distinguished by the royal confidence. The civil and military officers, with a large assemblage of the colonists, collected to witness the ceremony of presentation. The oaths of allegiance and

supremacy were administered by the Judge Advocate, and the commission read. This document recited that it was necessary to enquire into the laws, regulations, civil, military, and ecclesiastical; and to ascertain the revenue, trade, and resources of the colonies. The Commissioner was charged to report the information collected, "and his opinions thereon."

Macquarie addressed the Commissioner, and congratulated himself and the colony on the arrival of a servant of the King so eminent. Nothing could inspire him with greater hope for the public weal. The assistance in his power, he would cheerfully afford: the prosperity of the colony would gratify the first wish of his heart.

The Commissioner then addressed the assembly, stating that though the terms of his commission were explicit and comprehensive, he deemed it right to embrace the occasion to explain the object of his Majesty's government, and to prevent any possible misapprehension of their motives. The increase of transportation to these colonies, and the doubts entertained of the efficacy of the system of secondary punishments, had prompted the enquiry. His arrival had been delayed, but the time would give opportunity for minute researches into the state of crime, undertaken by Mr. Buxton; and for the revision of the penal code. It belonged to himself to examine whether these colonies had answered the purposes of their institution, and whether their attainments in civilisation had not disqualified them from fulfilling their original design; or whether it were yet possible, to render transportation a terror at home, and an instrument of punishment and reformation. This, though the principal topic, would not exclude others of moment: he expected assistance from every class, and felt encouraged from the display of candour by the head of the government; from which he augured the most beneficial results. He then concluded in the following words:—"I will only add, I bring to this investigation the deepest conviction of its importance: I approach it without any prejudice that can influence my future opinions, either of systems or individuals. I feel a determination, from which no earthly consideration shall move me, of conducting it to its conclusion, with the strictest impartiality *to all*. In the course of the enquiry I mean to pursue, I shall give sufficient opportunities to those whose attendance I may require, to consider the points submitted to them for their declarations and opinions. I wish to impress on every one, that my principal object is the attainment of

truth ; and while I am free to declare, that nothing is to be apprehended from a fair and candid disclosure of truth, yet I am equally bound to apprise the community, that nothing is to be hoped for from the concealment of the truth for private purposes, or from the gratification of malignant feelings and personal resentment." He warmly acknowledged his honorable reception from Governor Macquarie, who assigned him precedence to all but the Lieutenant-Governor.

The Commissioner's arrival in Van Diemen's Land (1820) was attended with the same military honors : wherever he went he was received with ceremony, and watched with jealousy and apprehension. The habits of Mr. Bigge were simple, complacent, and industrious : he labored to draw from all classes their feelings and designs—nothing escaped his curiosity. His opinions are given on every subject with equal quietness, whether they relate to the salting of beef, or the most profound questions of government. The Reports he sent to the Secretary of State descended to the smallest matters : he noted every rood of land granted, and every ration issued. The style of these documents is felt to be prolix, and their arrangement perplexing. Their contents excited very general interest in England, and in Australasia unbounded indignation.* Whatever epithet of hatred and contempt could be applied by impotence and wrath, for years fell on the imperturbable Commissioner and his secretary. He was charged with eaves-dropping, back parlour scandal, partisanship, and wilful lying. The particular delineation of individual conduct, and which he thought requisite to illustrate systems, excited the utmost vexation : it was painful to officers, to find their character, their habits, and the profits of their places, laid open to national observation. Perhaps, those details were sometimes beyond an obvious political necessity ; but the plain exhibition of principles in old English phrases—giving vice its true name—measuring the results of transportation by a standard recognised outside both the mess-room and the gaol—was of vast advantage to the colonists themselves. The reference made to Bigge's Reports in this work, however, is always limited to facts, which could not be distorted or colored. His connections, and the spirit of his mission, prejudiced his

* " For my part, my only wonder is, that Mr. Redfern did not apply some degrading chastisement to the nose or breech of this cowardly Commissioner."—*Wentworth*, 3rd edit.

judgment, respecting a system which had been the growth of circumstances; but his integrity is transparent, not less than his prepossessions. Time will extract the sting of his disclosures; but their moral results will remain. They tended to destroy those evils which can only live in a congenial atmosphere—and wither, except in the shade.

The Reports of the Commissioner were published by order of the House of Commons in 1822: Macquarie closed his official career on the 1st December, 1821, having held the government for twelve years. Thus their labors and opinions came before the parliament and the world together. Macquarie, when he considered himself entitled to reward, for a period of service of unusual length, found it was necessary to defend his reputation. Betrayed by the warmth of his temper into some irregular acts, which ill expressed the ordinary spirit of his government, he was vulnerable to his assailants. The flogging of freed men, notwithstanding the precedents left by his predecessors; the scandalous neglect of moral precautions, in the disposal of the women; and prominent instances of unjustifiable lenity; constituted serious deductions from his merit. He was, however, exempted from pointed censure, and the crown assigned £1,000 per annum, as his retiring pension. This favor was scarcely conferred, when he was called before that Tribunal, where conduct and motives are seen together: he died at St. James's, London, on the 1st January, 1824, and his remains were carried to the Isle of Mull, North Britain; where, according to his last wish, they rest in the tomb of his fathers.

General Macquarie is entitled to be regarded as the founder of these colonies: before his time, they were but hutted camps. To their improvement he devoted all his energies: he foresaw and felt the inspiration of their destined greatness. His disinterestedness was exemplary: throughout his long administration, no sordid project was connected with his name. No patriot ever labored more earnestly for his country's welfare. Every device, which seemed to promise material advancement to the community, was certain of his favor; every contribution from the meanest settler, was sure to obtain its reward.

But if he accepted neither gold nor silver, as the recompense of his cares, he took pledges of the colonies for the immortality of his name. It resounds in every place, and is united in every form with the natural objects and history of these regions. The name of his son, of his wife, of his native mountains and early haunts—all flourish in this

hemisphere: of these, many were conferred by the flattery or kindness of his friends. Their frequent recurrence confuses geography; they echo from hill to dale, and from the river to the sea.*

The moral character of Macquarie was not impeached. Happy in his domestic relationships, as a husband and father he exhibited an example of fidelity and tenderness. The people quickly learned this key to his regard, and he felt with all the gratitude of a generous nature, the reverence paid to the virtues of his wife, and the interest affected for his son. Mrs. Macquarie supported his efforts to reclaim the colonists from the habits of concubinage, which disgraced their early history: she could not, without utter seclusion, enforce those social rules which are proper in more settled society; but her sentiments were unequivocal, and hastened many a marriage—and saved many escutcheons from a bar! Mrs. Macquarie survived her husband ten years: she expired at Mull, in March, 1834.

The indifference to moral worth, ascribed to Macquarie, will admit another view. He estimated too highly the agency of affluence, in raising the moral sentiments; but in promoting external decency, it has considerable power. Macquarie was a soldier, and a man of the world: those delicate springs, which set in motion the finer affections of the soul, are open to the Christian, but are not found on the battle field, in the courts of law, or the seat of government. The notions of this ruler were material: he believed that another generation would cast off the habits of the passing, and abhor and forget the vices of their parents: nor was he mistaken.

The admitted political errors of Macquarie's government must be largely ascribed to his peculiar position. When we scan the system he constructed or modified, justice requires that we should consider, not only the materials he possessed, but the condition in which he found them. The rebellion of the officers had destroyed their authority, the stores were exhausted, discipline relaxed, and those who had exacted the most servile homage, were themselves dependant for impunity on the royal clemency. He employed the discretion with which he was entrusted, to avert the miseries of forfeiture; but he could not restore the relations between the bond and the free, which revolt had shaken; or dispense with the counterpoise of emancipist support.

* Henderson, 1832.

Many years elapsed, ere the re-action of his system attracted the attention of parliament; until then, it was approved or tolerated by the crown. The pressure of a strong and united party, what ministers have the courage to withstand? They were willing that the Governor should bear the odium of measures, long subject to their cognizance, which they had passed by unproved, and sometimes even applauded. Macquarie thought he had gained a triumph, when he raised emancipists to social distinction, and detained a mass of transgressors within the rules of obedience; and, for a time, so thought the ministers. They desired to establish a city, out of the materials of the gaol; but when they saw the success of their plans—half civic, half felonious—they were terrified at their own creation, and wished the city had remained a prison. In this feeling, Macquarie did not participate: he delighted in the result of his policy; and wondered at the inexorable cruelty of those who grudged an asylum to their unfortunate countrymen—who attempted to dash from their lips the liberty and hope they began to taste.

Whether it were possible, without a free community, to retain ten thousand persons in perpetual vassalage, or to uphold a system of simple coercion and social exclusion, in a colony so remote, remains a question; but it is none, that the name of Macquarie will become more illustrious, as the traditions of faction subside, and classes are blended in the unity of a people. It will be said that he found a garrison and a gaol, and left the deep and broad foundations of an empire!

SECTION IX.

THE duty of the Commissioner being discharged, it devolved on the home government to gather, from the mass of facts he accumulated, those which discovered abuses remediable, and to select for adoption the recommendations of their chosen councillor. The changes he advised amounted to a total revolution in the system, subject to his censorship; but so obstinate are evils, fostered by local interest and lengthened indulgence, that years elapsed before the effects of his

influence were powerfully realised. He, however, secured for the exclusionists the recognition of their favorite principle, and not only were emancipists pronounced ineligible for the future, but those already in the commission found it expedient to resign. Mr. Redfern was dismissed.

This determination of the imperial authorities, by whatever reasons supported, was a deviation from a practice which covered the entire period of Macquarie's government; therefore sanctioned, expressly, or by the silence of the crown. The degradation of those on the bench, could not have been politically important, and was one of those acts of power, which rather gratify the vengeance of caste, than vindicate the purity of government. The mortification of the emancipists, at this triumph, was intense: they justly felt, that the ministers, and not they, were responsible for measures which had recognised their eligibility to the usual honors of colonial opulence; and that, even were it expedient to abandon the former system, a less violent process might have been discovered.

It may not be amiss to describe the career of an emancipist, of whose elevation Mr. Bigge remarks, "that it had been most strongly urged against Macquarie by his enemies, and most questioned by his friends." This case (1810) formed the precedent for appointments from persons of his class, and, as selected by Mr. Bigge, may be considered a specimen of the most objectionable. The facts of the Commissioner are all here embodied; his detracting tone is abated.

Andrew Thomson was a native of Scotland: his relations of that class of traders, in their own country called merchants; who carry their goods from town to town. He was sixteen years of age on his arrival in the colony, and therefore, a boy of fourteen or fifteen when he forfeited his liberty. When free, he engaged in business as a retail shopkeeper, and traded to Sydney in boats built by himself: the defects of his education he partly cured by application, and acquired such knowledge as ordinary retail shopkeepers possess. He established a salt manufactory, a ship-building establishment, and it was *rumoured*, an illicit distillery. He was chief constable: kept a public-house—such was the common practice of traders. He acquired great influence among the settlers, by his forbearance and liberal credits; his business extended, and he became a considerable landholder. He supported the legal authority during the rebellion, and suffered for his loyalty; a

just ground for the esteem of that Governor, who came to restore the authority of his sovereign. When an inundation of the Hawkesbury exposed the settlers to great suffering, he undertook their relief; supplied them with goods, and was happily a gainer by the risk which his humanity induced him to incur: so great was the importance of prompt exertions, he was permitted to employ both the men and boats, which were under his control as superintendent of convicts.

In his neighbourhood, there were but two persons suitable to the office of magistrate, and having filled that of chief constable with great approbation, the Governor, Macquarie, considering his youth at the time of his offence—the merit of his loyalty when few were loyal—his industry and opulence, and his reputation for humanity—did not think his former condition a bar to a commission of the peace. It is said that Lieut. Bell, who conducted the party by whom the government-house was surprised, and a Governor made prisoner, objected to his appointment; but his opposition was confined to murmurs, or if represented at home met with no sympathy from the ministers.

Mr. Thomson was admitted to the company of the Governor, and the parties of the military, who yet, it is said, were not pleased with the abrupt suppression of the absolute ban. He died within the year of his elevation to the bench. Governor Macquarie commanded an epitaph to be placed on his tomb, stating that “it was in consequence of his character and conduct, that he appointed him to the magistracy; and that, by the same act, he restored him to the rank in society he had lost.” His death was regretted by his neighbours, who in a public address to his Excellency described him “as their common friend and patron.” It must be added, he had participated in some of those immoralities, which, in the time of the Prince Regent, dishonored the residence of kings; and he escaped that just reproach which could not be expected where the selection of mistresses was the prerogative of military command. Such is a fair statement of Andrew Thomson’s character, as given by Bigge, without his reflections.

The disclosures of the Commissioner terminated the indulgences given to expirees, with such “unsatisfactory results.” The small portion of land granted them, without great industry, was incapable of supplying their wants, and they were the pests of their neighbours; or, when they settled on allotments in town, they obtained materials from the royal

stores by the assistance of their fellows.* Land was still granted, but not as the indispensable consequence of transportation.

The plan of recompense to officers in kind, he also condemned: rations of food and rum, double and triple; and the assignment of men to earn wages, as the salaries of their masters, were gradually substituted by payments in money. The small sums formerly allowed, were rather the wages of servants who live on their fees: by a casuistry, never long wanting to those who earnestly seek it, even men beyond the rank of overseers, persuaded themselves that the recognised stipends were never intended to be reckoned as payment.† The tender of these supplies was a source of profit to the officers; like the butlers of noblemen, persons of the highest trust were not insensible to presents; and merchandise was accepted only when the "regulars" were duly paid. The waste of public property, occasioned by the system, was great. The loss and sacrifice of clothing and tools; the spoiling of food, and the wilful destruction of implements, proved how large may be the outlay of the crown, without much advantage to a colony. Years were required to reduce these evils; some of which are yet not unknown.

These were, however, small changes, compared with the total revolution in the spirit and details of convict management, suggested by the Commissioner. All those signs of advancement which he saw in the material state of the colonies, in connection with the objects of transportation, were anomalies in his eyes. He observed, that the prisoners were always anxious to reside in the towns, where they obtained, by casual labor, the price and opportunities of dissipation. By a peremptory exercise of his authority, Mr. Bigge stopped some of the public works, and promoted the dispersion of those multitudes who were employed in the improvement of the capital.

The Commissioner, strongly impressed with the mischief incident to the congregation of prisoners in the presence of a free community, proposed several remedies. Among the most important was the establishment of settlements, purely penal, at Port Curtis, Moreton Bay, and Port Bowen. These places were explored by Mr. Oxley, the surveyor-general of the colonies. Moreton Bay is situated 480 miles

* *Bigge's Report.*

† Colonial Fund (1820): Quarter's salary, A. P. Humphrey, superintendent, £25; government printer, £7 10s.; Mr. Fitzgerald, schoolmaster, £6 5s.; G. Northam, chaplain's clerk, £3 5s.; James Charlton, executioner, £6 5s.!

from Port Jackson: this region, watered by the Brisbane, unequalled for climate and soil in any part of the globe of the same latitude; adorned with trees of magnificent growth,* had nothing in its natural features to repel. Though the days are warm in summer (80° to 100°), the nights are cool, and for several months fires are agreeable. Bananas, plantains, and pines—cotton, tobacco, maize, the sugar cane, and all the ordinary productions of a tropical climate, are cultivated with success. The atmosphere is soft and salubrious: of 1,200 persons, afterwards stationed there, sometimes not more than ten were sick at once; and during seven years, one soldier only died.†

Such was the site chosen by Mr. Bigge; but he endeavoured to render it suitable, by suggesting a code of regulations, in which may be discovered the outline of several schemes, since claiming originality. It was intended for those convicted of serious crimes, or such as committed offences in the colonies. The prisoners, two together, were to build their own huts; their sole implement the hatchet, and their material wood and nails: their only furniture, stools and bedding. Their labor graduated; from removing heavy weights, and sawing the hardest timber, to the easy occupation of the gardener, according to their behaviour or their crimes. They were to raise their own provisions, and the produce of their tillage for the crown, was to be sold in the colonies, and carried to the public account; except a sixteenth part, the moiety of which was to be paid to the commandant, and the rest proportionately to the overseers. No vessel, unauthorised, was to touch at the port: every precaution was projected to prevent escape, and the natives were expected to bring back, for rewards, such as might venture to stray. Every crime, short of murder, was to be punished on the spot. No spirits were to be sold; no money circulated; no private speculations in produce permitted. The wives of prisoners, when suffered to join them, were to sacrifice all but the necessaries of life. From the chief settlement others were to branch off; fifteen miles distant from each other. A church, a school, a library, were to promote the reformation of the prisoners—an object to be considered paramount to every other. Such were the plans for a *City of Penitence*, projected by Bigge; and by which he expected, in several directions, to dispose of 4,000 prisoners.

* "Report of Oxley."—*Barrow Field's Collection*.

† *Breton's New South Wales*.

It was his hope, that their labor would discharge the chief cost of their control, and end the mockery, and the inequalities of punishment.

Before the arrival of the Commissioner, penal establishments existed, and prisoners were sequestered for violations of local regulations; or on extensive farms, where grain was grown for the royal stores. At Newcastle, on the Hunter River, were coal mines (1818), where those under colonial sentences, or those *guilty* of experience in mining, were subjected to a more rigorous servitude. By an onward progress of the settlers, this station was less adapted for its purpose, and (1821) a second was provided at Port Macquarie, 175 miles north of Port Jackson. The increase of population soon rendered a further movement requisite: it was not, however, until 1824, that Surveyor-general Oxley completed his report of Moreton Bay: pioneers were forwarded, and at length 1,000 prisoners were employed in that remote region. The plan thus narrowed, only partially succeeded, and the numbers at last dwindled to 300 men: the Commissioner's idea, therefore, was never fairly tested. An organisation of several thousands in a city of penitence; under a discipline, which, while excluding the worst temptations of regular society, might preserve many of its elementary forms; managed by permanent officers, in number and gradation, sufficient to form and preserve the tone of a profession—is unfortunately still a speculation: nor is it yet safe to assume, that the failure of stations, exhibiting several features of the Commissioner's scheme, but excluding others not less important, is a conclusive argument against the original design.*

* The following "Instructions" were laid before parliament: being a return to an address to his Majesty, dated 2nd February, 1832; they were, however, only partially acted upon:—

"Copy of Instructions issued by the Governor of New South Wales and Van Diemen's Land, for the Regulation of Penal Settlements.

"As an aversion to honest industry and labor has been the chief cause of most of the convicts incurring the penalties of the law, they shall be employed at some species of labor, of an uniform kind, which they cannot evade, and by which they will have an opportunity of becoming habituated to regular employment.

"With this view, all labor of a complex nature, the quantity of which cannot be easily determined, is to be studiously avoided: and the convicts are to be employed exclusively in agricultural operations, when the public buildings or other works of the settlement do not absolutely require their labor.

"In these operations the use of the hoe and spade shall be as much as possible adopted; and where the number of men who can be employed in agriculture is sufficient to raise food for the settlement with these implements, the use of the plough shall be given up; and no working cattle are to be employed in operations which can be effected by men and hand carts.

"The principle of dividing the workmen at regular distances from each other,

N

In this colony, a penal station was projected during the residence of Bigge. While he approved the object, he did

as established for field labor, is also to be adopted whenever it is found applicable; and with the view of affording a more complete and effective superintendence, the different gangs are, as much as possible, to be employed in one place.

"When it becomes necessary to employ mechanics or tradesmen in their respective callings, such arrangements shall be made (by appointing as many as possible to the work) as will insure their strict superintendence, and a speedy return to the employment of common laborers.

"In order that the convicts may be deprived of all opportunities of procuring spirits, or any luxury or article beyond the government allowance, and with the view the more effectually to prevent their escape, it becomes necessary to establish the strictest regulations with regard to shipping.

"The commandant is vested with the control of every department on the settlement; every person, whether free or bond, being subject to his orders.

"No officer, or other free person, employed at the penal settlement, shall be permitted to derive any advantage from his situation, either directly or indirectly, beyond the amount of his salary and fixed allowances. Each individual will be required to furnish quarterly, a declaration upon honor to this effect, to the commandant, who will certify that the whole of the officers borne upon the salary abstract, have furnished the same.

"No officer, or other free person, shall be allowed to cultivate any ground on his own account, excepting for the purpose of a garden, for the exclusive supply of his own family.

"No officer shall be allowed to raise stock of any description for sale, or for any other purpose than the immediate use of his own family; such stock to consist exclusively of pigs and poultry, which shall be secured within the premises of the proprietor.

"No officer, or other person, shall be allowed to employ any convict at any time whatever for his personal advantage, or otherwise than on the public account, excepting always such men as may be appropriated to his service.

"No officer, or other free person, is on any account to leave the settlement, without the written sanction of the commandant.

"The commandant is vested with full authority to remove, at his discretion, any free person from the settlement, whose conduct shall appear to him to render this proceeding necessary for the due maintenance of discipline.

"The officers, and other free persons, shall be allowed to purchase grain from the public stores, to maintain the live stock they are permitted to keep, according to the following scale:—

"Commandant, not to exceed five bushels per month; civil and military officers, three bushels per month; inferior free persons, one bushel per month.

"To enable the officers of the settlement to cultivate their gardens, they shall be allowed to have convicts appropriated to their service in the following proportion:—

"Commandant, three men; military and civil officers, two ditto.

"These men are not to be mechanics or tradesmen, and are to be allowed in addition to any servants they may have been permitted to take with them to the settlement.

"When work is required to be done by the mechanics for the absolute comfort and convenience of any of the officers on the settlement, the following regulations shall be observed:—

"The officer to make a written requisition, which will, if approved by the commandant, be given to the overseer of the mechanics, who will receive the whole of the materials from the officer. The work to be performed in the lumberyard during government hours.

"No remuneration of any kind is to be given the mechanic for his services. This indulgence is not to extend to any article of furniture, or any thing else

not cordially concur in the selected locality: he remarked several of those obstacles to access, which were not com-

that can be dispensed with, or procured in any other manner. A separate book is to be kept, and entries made of the work so done, and quarterly returns sent to the colonial secretary. It must be understood that no government materials, even of the most trifling nature, will be allowed for any such purpose.

"All trafficking and trading between the free and bond on the settlement, shall be strictly prohibited, and severely punished.

"The convicts under colonial sentence, shall be steadily and constantly employed at hard labor from sunrise till sunset, one hour being allowed for breakfast, and one hour for dinner, during the winter six months; but two hours will be allotted for dinner during the summer.

"The convicts shall be worked in field labor, with the hoe and spade, in gangs, not fewer than fifteen or more than twenty. No task work shall be allowed.

"There shall be an overseer attached to each gang, and to every five gangs a constable, who shall assist the overseers in the superintendence of the men.

"The constables and overseers, are not to push or strike the convicts, and no punishment is to be inflicted but by the express orders of the commandant.

"If a convict should have any thing to represent or complain of to the commandant, it shall be the duty of the constable to bring him before him.

"No prisoner is to be permitted to receive, or to procure, any article of luxury, or any addition to the established ration of the settlement.

"As a reward of and encouragement to good conduct, the prisoners shall be divided into two classes, to be called the first and second classes respectively.

"No prisoner is to be admitted into the first class, who shall not have served on the settlement for two years, if a prisoner for seven years; for four years, if for fourteen years; and for six years, if for life. But convicts, who have been respited from a capital sentence, shall in no case be admitted into this class until, upon the representation of the commandant, their sentence shall have been mitigated by the governor.

"The commandant will make a monthly return to the colonial secretary of the prisoners, whose conduct has induced him to admit them to the first class, and he will inform the officer of the commissariat officially.

"The prisoners in the first class will receive, in addition to the usual ration, one ounce of tobacco weekly.

"The prisoners of the first class are to be employed in the lighter and least laborious operations; and it is from this class exclusively that men are eligible to be selected for constables and overseers, to be employed as clerks, to be assigned as servants to the officers of the settlement, and to be entrusted with the charge of the live stock or working cattle, or with any other light employment.

"No convict shall be employed as a clerk in the commandant's office, or have access to any of the records kept there.

"No prisoner transported for life, or for any heinous or atrocious offence, shall be employed in any other way than as a common laborer, except, being a mechanic, his services may be urgently required. In this case the commandant will permit his being temporarily employed in his trade, or on any of the public works.

"Prisoners of the first class, who shall be selected by the commandant for constables or overseers, will be allowed the usual distinction of dress, and shall receive in addition to their rations, two pounds of flour per week, and one ounce of tobacco; but in no case shall any convict at a penal settlement be allowed to receive a pecuniary reward.

"As a further encouragement to constables and overseers to be faithful and diligent in the discharge of their duty, two years' service as a constable or overseer, shall be considered equivalent to three years' servitude on the settlement;

pensated by the difficulties of escape. The punishment of colonial offences, when persons were already in bonds, was

but in case of misconduct, they shall forfeit all such benefit arising from their services as constables or overseers.

"As there may be found some individuals whose conduct may be deserving of reward, but who nevertheless may not be qualified to fill the situation of overseers, the commandant will transmit annually to the colonial secretary, a return of the names of such convicts who, having served two-thirds of the period of their sentence, may by a long continuance of good conduct, be considered to merit indulgence. To this return there shall be annexed a detailed statement of the circumstances which have induced the commandant to recommend the individuals respectively.

"A return will in like manner be transmitted by the commandant, of any prisoners under sentence for life, who shall have conducted themselves to his entire satisfaction for six years (or of capital respite for ten years) after their arrival in the settlement, annexing, as before, a detailed statement of the circumstances which have induced him to recommend the individuals respectively; and should the governor be satisfied that they are deserving of reward, his excellency will mitigate their sentence to that of seven or fourteen years, from the date of such mitigation; after which the individuals will, of course, be eligible to all the privileges of prisoners of the first class.

"The wife of a convict shall, in no case, be allowed to join her husband, until he shall have been placed in the first class, and the commandant shall have recommended him for this indulgence.

"The wives and children of convicts shall be allowed rations and slop clothing from the public stores.

"The wives and children of convicts are not to be allowed to convey money or property of any kind to the settlement, nor to possess any live stock or poultry, and they are strictly to be prohibited from carrying on any trade or traffic in the settlement; but they will be furnished with employment in spinning flax, making straw hats or bonnets, making up slops, and such other work as they may be capable of performing, the materials for which will be supplied from the government store. They will receive credit in the books of the settlement, at the market or factory prices, on such work being returned to the stores; and the amount of their earnings will be annually placed in the savings' bank, to be received by them on their return from the settlement, as a means of support on their arrival.

"Married convicts, whose families have been permitted to join them, shall be allowed to live in separate huts.

"A portion of ground shall be allotted as a prisoners' garden, the extent of which shall be determined by the commandant.

"If any money or property shall be found in possession of a convict, or the family of a convict, it shall be seized and forfeited to the Benevolent Asylum.

"The labor of all convicts, excepting only those assigned to the officers, shall be wholly and exclusively applied to the service of the settlement generally, and the indulgence of working on their own account, after the usual hours of public labor, shall be strictly prohibited.

"No convict shall be allowed to wear any other clothing than that which is issued to him by the government; and the number of each convict on the settlement is to be painted on each article of his dress, before and behind.

"The commandant will see that due attention is paid to the cleanliness of the convicts, and that those whose state of health admit of it, bathe regularly.

"A separate barrack is to be provided for the female convicts; and if employed in field labor, they are to be kept separate from the men.

"A washing gang from among the female convicts shall be appointed, to wash and mend the clothes, and air the blankets and palliasses of the prisoners.

"The convicts are not to be allowed to possess knives or any sharp instruments; the knives, forks, and spoons, are to be under the charge of the barrack

attended with some difficulty ; the law not authorising additions to a sentence, except by a court of criminal jurisdiction, regulated by the forms, and bounded by the limitations of English statutes. To punish a misdemeanour, and sometimes even capital offences, the culprit was brought before a justice of the peace, and sent to a penal settlement for the remainder of his sentence. Thus a widely different penalty attended the different parties to the same crime : one would scarcely touch the place of his second exile, before the termination of his British sentence restored him to full freedom ; another, perhaps a prisoner for life, would linger out his wretched existence in the place of his seclusion, forgotten.*

The name of *Macquarie Harbour* is associated exclusively with remembrance of inexpressible depravity, degradation, and woe. Sacred to the genius of torture, nature concurred with the objects of its separation from the rest of the world ;

overseer, and he will be held responsible that they are duly collected from each convict before he is allowed to quit his seat at the mess table. This, however, is not to apply to those married convicts or overseers, who shall have been allowed to live in separate huts.

"The whole of the convicts will be mustered on Sunday morning, arranged in their several gangs, and attended by their respective overseers and constables, when they will be inspected by the commandant. The wives and families of the convicts will also be required to attend the Sunday morning musters.

"The prisoners will be mustered daily by the superintendent of convicts, at sunrise, before they proceed to labor, when they return to meals, and again when the work for the day is closed.

"No convict shall be allowed to receive or transmit any letter, excepting through the commandant, who is to exercise his discretion in opening such letters, and perusing their contents.

"The section regulating the discipline and employment of the convicts, is to be read once in every month to the troops and convicts on the settlement.

"These regulations shall be entered in the public order books of the settlement, and they are to be strictly and literally adhered to throughout ; no deviation being permitted, except in cases of very great emergency, which are to be determined alone by the commandant, who will immediately report in detail his reasons for such deviation to the governor, in order that his excellency's sanction to the measure may be obtained."

* "The crimes for which they were sent down, were originally trifling : five or six for a robbery, petty theft, or disobedience to orders. One remained for a month, another for the term of his natural life,—for the same offence, and by the same sentence."—*Barnes : Par. Pap.*

"Bryan Taylor, a convict holding a ticket-of-leave, having taken the Lord's name in vain, was ordered to be confined in his majesty's gaol for one week.

"Thomas Higgins, a constable, was found guilty of a rape, and was sentenced to be dismissed from his office, and transported for the remainder of his original term.

"Ralph Jacobs, found guilty of stealing one sheep ; sentenced to receive fifty lashes, and to be returned to government.

"William Blunt, and another, for burglary and violence ; sentenced one hundred lashes, and transported for their original term."—*Gazette*, Dec. 1821.

to exhibit some notion of a perfect misery. There, man lost the aspect, and the heart of man!

Macquarie Harbour was explored by Captain Kelly, at the expense of a merchant whose name is borne by Birch's River, and that of his wife by Sarah Island. It is an inlet of the sea, on the western coast: by water, about 200 miles from Hobart Town. It penetrates the country twenty miles to its junction with Gordon River, where, diverging to the right, Sarah Island becomes visible—once the principal station, now deserted and desolate. This region is lashed with tempests; the sky is cloudy, and the rain falls more frequently than elsewhere. In its chill and humid climate animal life is preserved with difficulty: half the goats died in one season, and sheep perish: vegetation, except in its coarsest or most massive forms, is stunted and precarious. The torrents, which pour down the mountains, mingle with decayed vegetable matter, and impregnated with its acids discolour the waters of the harbour; and the fish that approach the coast, often rise on the waves, and float poisoned to the shores.*

The passage to this dreary dwelling place was tedious, and often dangerous. The prisoners, confined in a narrow space, were tossed for weeks on an agitated sea. As they approached, they beheld a narrow opening choked with a bar of sand, and crossed with peril.† This they called "Hell's gates,"—not less appropriate to the place, than to the character and torment of the inhabitants: beyond, they saw impenetrable forests, skirted with an impervious thicket; and beyond still, enormous mountains covered with snow, which rose to the clouds like walls of adamant: every object wore the air of rigour, ferocity, and sadness.

The moment the prisoner landed, if the hours of labor had not expired, he joined his gang. The chief employment was felling the forest, and dragging timber to the shore: these gigantic trees, formed into rafts, were floated to the dépôt. In this service, life was sometimes lost; and the miserable workmen, diseased and weakened by hunger, while performing their tasks, often passed hours in the water. They were long denied vegetables and fresh food: they were

* *Ross's Almanack*, 1831.

† "The sight was awfully grand. The pilot commanded all below, but I said I should like to see the end of it: they counted off eleven feet; we drew seven and a half: there were but seven in the hollow of the sea! At this moment a large billow carried us forward on its raging head. The pilot's countenance relaxed: he looked like a man reprieved under the gallows."—*Backhouse's Narrative*.

exposed to those maladies which result from poverty of blood, and many remained victims long after their release. On a breakfast of flour and water, they started from their island prison to the main land, and pursued their toil, without food, till the hour of return: they then received their chief meal, and went to rest. Those who were separated to punishment still more severe, lodged on a rock: the surf dashed with perpetual violence on its base, and the men were compelled to pass through, wet to the waist, and even to the neck. They were destitute of bedding, sometimes in chains; their fires were extinguished, and they laid down in their clothes, in a cold and miserable resting place.*

They were subject to a single will; moved often by perjury, and sometimes by passion. One man, Alexander Anderson, a convict overseer,† delighted in human suffering—this was his qualification for office; yet seventeen persons have been flogged in one day, at his single report. The instrument of torture was special; double twisted and knotted cords: 100 lashes were given, and repeated at short intervals. Even to repine was criminal: an expression of anger *from the sufferer*, was a punishable offence: a second infliction has been known to follow, by a sentence on the spot.‡

The alleviations of religious instruction were unknown. The commandant was found, by the earliest clerical visitor, living in profligacy, and he returned at once, despairing.§ Women were, at first, sent there, and four were dispatched to gather shells, under the charge of one man, in whose hut they lodged. The forms of devotion depended on the surgeon, and were detested by the prisoners. They were, mostly, desperate men, and required a strong restraint; some were there, however, for offences of no deep die, who, while the least spark of humanity remained, felt the association more horrible than the place. To escape this dread abode, they gambled for life; and, with the deliberation of actors, divided the parts of a meditated murder, and sinister testimony. They loathed existence, and were willing to shorten its duration, if the excitement of a voyage and a trial might precede the execution. It was their proverb, that all who entered there, gave up for ever the hope of Heaven.|| Death lost its terrors, and when some unhappy victims were brought down to terrify the rest, they saw them die as

* Barnes: *Par. Pap.*, 1837.

† Ibid.

‡ *Tasmanian Journal*, vol. ii. p. 205.

§ *Backhouse's Narrative*.

|| Ibid.

many see friends depart on a desirable but distant journey.* Some were detained for years by a succession of punishments; perhaps, for the possession of a fish-hook, of a potatoe, or an inch of tobacco. Some were flogged; until this species of punishment lost, not only its terror, but its power: the remnant of the understanding settled down into one single faculty—the ability to endure. It will be our painful task to turn to the results of this experiment, since elsewhere repeated, of what nations can inflict, and man can suffer: excusable, had the Rhadamanthus of those regions been always just, and those subject to his lash always the worst of criminals.†

The improvement of the assigned service, by raising the qualifications of the masters, and increasing the dependance of the men, was another great project of the Commissioner. There were, indeed, no employers, except those who had been convicts, or officers of government; and the first and larger class, possessed neither capital nor discretion. They were rather patrons than masters. There were but two changes practicable: the vast establishments projected at Moreton Bay, and introduction of a class of settlers, who might exercise the authority requisite to restrain the vagrant indolence of the men; and whose capital might give them constant employment and proper sustenance. Several military settlers, such as Macarthur, had large establishments, chiefly for cattle and sheep; and their management exemplified the superior facilities of control, where the men were both dispersed and guarded—divided in their occupations, but subject to a vigilant supervision.

It was the opinion of the Commissioner that none, having small estates and trivial resources, should be placed in the responsible position of masters; but that the inducements offered in former times should be renewed and extended. He calculated, that the employers of convict laborers, for each, relieved the treasury of England to the extent of £24 10s. per annum. Thus every consideration commended the system of assignment beyond any other. To attract the attention of settlers, he advised that the emigrant should be

* They called to the men, as they ascended the scaffold—"Good-by, Bob; good-by, Jack."—*Par. Pap.*

† To describe this region, requires the awful coloring of Milton:—

"Rocks, caves, lakes, fens, bogs, dens, and shades of death,
Where all life dies; death lives; and nature breeds
Perverse; all monstrous, all prodigious things;
Abominable; UNUTTERABLE!"

Paradise Lost, book ii.

entitled to a grant, to purchase an addition at a low price, and to receive a bonus in land, for the stock he might rear, or according to the industry and skill he might otherwise exhibit.

It has been stated, that the ministers who founded these colonies, intended that free emigration should accompany transportation with equal steps. The despatches of Governor Phillip, addressed to the secretary of state* in 1790, proved that he felt the want, and perceived the value, of such auxiliaries; but the early determination to raise ex-pi-ri-ees to the condition of landholders, seems to imply the form the settlement at Port Jackson was expected to assume. It is obvious that the immediate design of the Governor, was to provide such free settlers, as might act in different official capacities, at little or no expense.† The reply to these communications was favorable, and the prospect of emigration cheering; but the result was insignificant. It is stated by Collins, that several families, members of the Society of Friends, proposed to accept the offers of government, but were deterred by the reputation of the colony, and the disorders which prevailed.‡

The *Bellona* at length arrived, with free settlers and their families, including a millwright and blacksmith; one of whom had been already in the colony, under other auspices! An authority to the Governor was now conveyed, to establish such persons as were eligible on terms highly advantageous. They chose a fertile spot, and to mark their civil condition, called their locations "Liberty Plains" (February, 1793). The British government provided their passage, an assortment of tools and implements, provisions for two years; their lands free of expense; and the service of convicts, with two years' rations and one year's clothing. It is difficult to

* "*Sydney Cove, 17th July, 1790.*

"The consequence of a failure of a crop, when we no longer depend upon any supplies from Great Britain, will be obvious; and to guard against which is one reason for my being so desirous of having a few settlers, to whom, as the first, I think every possible encouragement should be given. In them I should have some resource, and amongst them proper people might be found to act in different capacities, at little or no expense to government; for, as the number of convicts and others increase, civil magistrates, &c. will be necessary."

† *Par. Papers*, 1792; quoted by Saxe Bannister, Esq.

‡ Besides the reference in Collins, several modern writers have alluded to this fact; but in conversation with Mr. G. W. Walker, the author has been given to understand, that neither he nor his colleague, Mr. Backhouse, ever heard of this projected emigration. The correspondence upon the subject would probably disclose more clearly the ultimate views of the imperial government. Dr. Laing assigns, for the relinquishment of the project, a refusal to extend the laws of England to the settlement,—but gives no authority.

imagine a more alluring offer ; yet, except a Dorsetshire farmer, the rest were not *bonâ fide* settlers : two formerly belonged to the *Sirius*, and a third to the *Lady Juliana* transport ; in short, they were sailors. Concluding, then, the secretary of state had sought settlers in earnest, the presumption is strong that no considerable number of persons could be found to engage in such an enterprise : one which seemed to comprehend all the perils of distance, of official tyranny, and of social corruption.*

The additions, thus made to the free population, were generally of persons connected with the merchant service or the military profession ; and who, by a residence intended only to be temporary and official, contracted a preference for the climate ; where they found great respect and deference, by the paucity of their numbers. It was their example which finally overcame the reluctance to settle, which no mere offers of the crown were sufficient to conquer.

SECTION X.

THE spirit of the Commissioner's propositions was embodied by the home government, and its offers were published in various forms ; chiefly, indeed, by the diligence of adventurers who, to freight their ships, filled volumes, and depicted in lively colors the beauty of the colonies. The intending settler was told, that not only would he find cheap land and cheap labor, but a large return for his produce.

By the grants of Sir Thomas Brisbane, bonds were required to be given for the support and employment of prisoners, until their detention expired—calculated at the average term of ten years. For every hundred acres, the settler engaged to provide one convict with food and clothing, in return for his labor ; and to contribute 18s. per annum towards the expense of medicine, police, and religious instruction (1822). Still further to encourage such contracts, the settlers were furnished with a cow, for every convict attached to their grants, to continue in their possession during the term of his servitude!†

* *Collins*, vol. i. p. 267.

† *Gazette*, 11th July, 1822.

The regulation issued at Downing-street in 1824, engaged that the purchaser of land—who within ten years might save ten times the amount of his payment, by the employment of convicts, reckoning each at £16 per annum—should receive back his money, though without interest; but when the land was conditionally given, one-fifth part of that saving would pass to account of quit-rent, and thus probably entitle the employer to entire relief.

The Van Diemen's Land Company, by agreement with Earl Bathurst, entered into similar covenants, and received their land subject to a quit-rent, redeemable by the sustenance and employment of prisoners—to them a fortunate stipulation,* and which has relieved their vast territory from a heavy pressure. These various plans indicate the difficulties of finding masters, which once prevailed.

The government having roused the spirit of emigration, were soon enabled to grant a favor when they assigned a workman, and rapidly withdrew from engagements no longer necessary. Hundreds of families arrived in a succession of vessels, and speedily fixed themselves in the interior: flocks were contracted, herds were slaughtered; fences, homesteads, and fields of corn divided and dotted the land. The least capital admitted was £500; and though several evaded the condition, many of the settlers brought much larger sums. They pursued their improvements, with all the vigour awakened by novelty, and stimulated by the prospect of considerable gains. The competition for labor increased, until it created in the minds of the settlers a feeling of dependance and obligation—to refuse a supply, had been ruin. It placed before the prisoners, once again, the examples of emancipist opulence: mechanics earned more wages than officers of the army; again transportation was represented as a boon; and then came other changes.

In the official newspaper of 1827, it is stated that 1,000 applications were registered at Hobart Town. To an English reader, and to a modern colonist, the notices of this period seem like satire. "Better," remarks this organ of the higher classes, "better send petitions for more prisoners—now that applications have lain dormant for twelve months: some for four, eight, and ten men—than trouble about trial by jury and representative government." "The disappointment, we trust, will be temporary: when the last vessel sailed, the *York* was freighting. We trust the home secre-

* Bischcoff.

tary will consider the deficiency"! The extremely earnest manner in which these felonious additions were implored, is a curious relic of a bygone era.*

SECTION XI.

THE system of assignment was first established in America (1718), and continued for fifty-six years: the rigid discipline permitted by the colonial law, the kind of labor usually performed by the servants, and their diffusion over an extensive surface, tended alike to restrain, to reform, and ultimately to merge them undistinguished. Many, endowed with good natural abilities, such as an accomplished thief usually possesses, succeeded in their pursuits, and became masters themselves, *by the purchase* of the servitude of those afterwards sent out for sale.† Thus, whatever complaints were raised against transportation itself, none objected to assignment; and the long period of its duration, proves that the home government cared little for the state of prisoners, while there was no local press to vindicate their *rights*, and few readers of books to encourage romantic delineations of their *felicity*.

On the arrival of a vessel, the chief officers of the government examined the prisoners, and the Governor himself addressed them. He pointed out their future position, their duties, and their dangers; the tone of promise usual in times past was considerably abated, but the awful rigours of their servitude were explained, often to their astonishment and horror.‡ Often the private examination of the prisoner confounded him with amazement: a gentleman, whom he had never seen before, unravelled with facility the mystery of his life. If he had been often in prison; if his brother had been transported; if his sweetheart had been deserted; whether he had been a pest to the lords of the manor, or to the parish, by poaching or bastardy: his whole life was read by his inquisitor, with supernatural clearness. The raw countryman did not know how far his course had been subject to the gaze of the stranger: denial gave way rapidly; he

* *Courier*, 1829.

† Colquhoun.

‡ Arthur's evidence: *Par. Pap.*

assented, and explained, and enlarged—and thus the office of the superintendent answered the purpose of a confessional. It was the practice to furnish all possible information to the local government, and to keep its details a secret from the prisoners: such had been the advice of the Commissioner. Thus the wonder of the country transport, to find that the picture of his life had preceded him—that all was known at the world's end.

Though no persons could have greater cause to confuse their identity, the prisoners often stamped on their persons indelible distinctions; a custom, perhaps, introduced by the sailors, and encouraged by the officers, but which prevailed among London thieves. Those who suffered these figures to be pierced, were usually the most simple minded, or the most depraved. The figures themselves were sometimes obscene, but not commonly: often mermaids, still more frequently hearts and darts; sometimes the name, or the initials of the prisoner. Thus, in the runaway notices (1825), one had a hope and anchor; another, a castle, flower pots, hearts and darts; another, a man and woman, a heart and a laurel; another, a masonic arch, and moon and stars, and initials in abundance. An Irishman had a crucifix on the arm, a cross on the right hand, and the figure of a woman on the breast! Such were the ingenious methods which, induced by indolence and vanity, these men permitted, to lessen the chances of escape. The initials generally differed from those of the real name, and indicated that the wearer, some time or other, had occasion for disguise: others were obviously memorials of past affection, and of names perhaps associated with blighted hopes and better days. Besides these marks, were others; scars, usually the result of a life of mingled intemperance and violence: thus, almost in succession, the list of absconders gives the following—"a scar on the forehead;" "scar on the right eye;" "his arm has been broken;" "his nose inclines to the left cheek;" "a broken nose."*

All that might assist the police was registered: their native place, their age, their crime, and sentence. They were then detached to their masters; marched, sometimes, in considerable bodies, from Kangaroo Point to Launceston, 120 miles. The mechanics were reserved for government employ, and the concealment of a trade, was visited as a crime; yet convicts did conceal their trade, instructed by former experience, or a hint from a veteran predecessor. They

* *Gazette*, 1825.

knew that mechanical knowledge might prolong their detention, and deprive them of many present advantages. They knew that, though rated as laborers, they might obtain a master who would pay them. This was effected, sometimes, at once, or by the agency of a friend; or oftener by the prisoner, who, on his first opportunity, would hint to a builder or carpenter, that he knew something of a trade. An order was obtained for a *laborer*, which would not have been spared for a mechanic: a fee to the clerk, secured the intended selection; and the man assigned to carry the materials of a building, was taught, in a time which seemed incredibly short, all the mysteries of line and rule. It is thus that weakness ever arms itself against might.

The increased demand for assigned servants, enabled Governor Arthur to enforce the regulations which had been often promulgated in vain. It ceased to be necessary to pay wages, and the master was bound to provide sufficient food and clothing for his men: the scale was determined. The practice of lending out servants was restricted, and finally abolished. All those means of stimulating labor, which had tended to suggest the rights of property, were forbidden. It had been the custom to permit assigned servants to receive a share in the increase of stock; allotments of land had been separated to their exclusive use; they had been suffered to trade upon their own account. These arrangements were calculated to stimulate industry, but they also generated disputes, and led to petty theft. Thus reduced to an absolute dependance upon the liberality of their masters, they had no reward but as a boon: many of whom, however, evaded the regulations, and paid their servants the ordinary wages of free men.

No rule can be devised, that is not liable to objection. The men were discontented with a service, in which money was refused them: it was illegally possessed, and therefore rapidly spent in debauchery and drunkenness. The settlers usually allowed some luxuries; but these, discretionally given, were a tax to the liberal, often more onerous than reasonable wages. Domestic servants, and those entrusted with important concerns, were paid by all, from the Governor downwards, and that while regulations were promulgated against such violations of order.* It was doubtless not at his direction, but at his cost!

A decision at Sydney, explained the nature of the claim

* Murdoch's evidence: *Par. Pap.*

for wages granted by former regulations of government. A female, at the close of a long servitude, sued her master for arrears: the judge advocate declared "his court one of equity and right," not of law; that the spirit of public orders, not their letter, was the rule of judgment; that the allowance of money required by the crown, was intended to secure the plaintiff certain comforts: those comforts she had already enjoyed, and thus her claim in equity had been already satisfied (1823). The wages of a man servant were stopped by the magistrates, because he had been accused of stealing from his master (1821)!

The right of a master in the services of his assigned servant, was incidentally raised in the celebrated case of Jane New. She arrived in Van Diemen's Land under a sentence of transportation, and, according to the prevailing custom, was assigned to her husband; who was allowed, by Governor Arthur, to remove her to New South Wales: she was charged there with a capital felony, and death was recorded against her. The prosecutrix, Madle. Senns, a French mantua-maker, gave her evidence by an interpreter: afterwards, it was discovered, that the conviction was erroneous, both *in substance* and *in law*: released on the recommendation of the judges, by order of the sheriff she was committed to the female factory at Parramatta. Her husband then sued out a writ of *habeas corpus*, to which the return, as amended by the direction of the court, alleged under the hand of the colonial secretary, that her detention was by authority of Governor Darling, she being a prisoner of the crown. The question seemed to depend on the nature of the rights conveyed by assignment; but a second arose: whether those rights could be exercised beyond the limits of the territory appointed for the transportation; or whether Governor Arthur was authorised to permit the removal. The judges, Forbes, Stephen, and Dowling, decided that the prisoner having been transported to Van Diemen's Land, was, by removal to Port Jackson, no longer under the provisions of the act of parliament; that neither the magistrates nor Governor of New South Wales, could make her the subject of summary treatment; but as a prisoner illegally at large, must remand her to the place of her original and unsatisfied term of transportation.

In giving this decision, the judges announced their opinion upon the rights of assignment in general, as regulated by the 9th Geo. iv. cap. 83. The Act required the consent of the governor in the assignment of a prisoner, and authorised

the revocation of that assignment: this power to revoke, was however, to enable the governor to grant remission—to change the civil condition of the servant; and thus, by his restoration to liberty, to extinguish the rights of the assignee. The law officers, on the part of government, alleged that the discretion was absolute, and authorised a summary disposal of the services of the prisoner; whether under, or independent of, a magisterial decision.

The chief justice, however, maintained that such a right in the executive might be ruin to the people. He asserted, that the duty and right of the governor was limited to the execution of a public trust, as between the crown on one side and the prisoner on the other; to minister to a covenant, subject only to those stipulations, the neglect of which might, by the common rights of humanity, dissolve the engagement. "If," he remarked, "the governor, at discretion, may revoke the assignment of prisoners, as a consequence he may render the estates of landholders of no value; nor does it appear that this power of revocation is sustainable under any circumstances in the large and discretionary form claimed by the law officers of the crown."*

The government endeavoured to contest this right (1829), in the instance of Mr. Hall, publisher of the *Monitor*, whose strictures had provoked official hostility. His men were recalled by the superintendent; he, however, paid no attention to the notice, and continued to employ them: for this he was summoned before the bench of magistrates, who, influenced by the known opinions of the government, fined him, under the act against harbouring. Mr. Wentworth moved for a criminal information against Messrs. Berry, Wollstoncraft, and others, for contempt: a rule was granted, but afterwards dismissed; the judges expressing the strongest indignation that the magistrates had dared to set aside the solemn decision of the court on a point of law, and in reference to the most important rights of the colonists; and to mark their displeasure, they saddled them with all the costs. Mr. Hayes, of the *Australian*, was involved in a similar contest; but to break the bond, the governor granted a ticket-of-leave—thus releasing the prisoner from his assignment. The printer, notwithstanding, brought his action against the superintendent for abduction, and gained damages; the judges holding, that the sudden deprivation of the master, by an arbitrary and unusual indulgence—

* *Sydney Gazette*, 1829.

granted only to deprive him of his rights as assignee—was not contemplated in the law, which modified those rights by the prerogative of mercy.

The following are the chief provisions of the Parliamentary Acts on the subject of assignment:—

The 4th Geo. i. (1717) conveyed an absolute property to the shipper, who again assigned to the master.

An opinion was obtained from the law officers of the crown (about 1818), that the state of convict servitude was created by the 4th Geo. i. and subsequent statutes, under which a property in the servant was reserved to the master, whether captain or colonist: the power to punish was assumed as a necessary consequence.*

The 5th Geo. iv. gave a right to the governors to release the convict from assignment, by a pardon, &c. A subsequent Act, for abolishing the punishment of death in certain cases, limited the exercise of mercy.

The 9th Geo. iv. gave the governor power to revoke assignment; and made the master entirely dependant on the government.

The local government rarely interfered with the prescriptive rights of the masters, nor did it often object to the transfer of servants when the value of an estate depended on the possession of bond labor. The most remarkable deviation from this policy was in the instance of Mr. William Bryan, a gentleman of considerable wealth, who was dismissed from the magistracy, and deprived of all his servants in one day (1833). Relying on the decision of the judges of New South Wales, he threatened an action, but the law of assignment being changed,† it was quite within the province of the Governor to recal a servant at any hour. The discretion of the executive was never brought into legal question; but the deprivation of a colonist in the midst of harvest, without public inquiry into any alleged malversation, taught the settlers that their fortunes were in the hands of the Governor. A London pickpocket required a long course of instruction; but his services were no longer secure to his master—a serious drawback from their worth.

• *Bigge's Report.*

† The 9th Geo. iv. enacted (omitting superfluous words), "That any offender assigned *under* 5th Geo. iv. shall not be assigned by the master to any other person without the consent of the Governor, who may as shall seem meet revoke such assignment and grant remissions, as may be best adapted to the reformation of offenders, and revoke and renew them as occasion may require, any act of parliament notwithstanding."

The transfer of servants, once convenient to the government, lasted until 1838, when it was finally abolished. It had been agreed by a settler, named Silcock, to transfer a servant to Mr. Theodore Bartley : on the application an endorsement was written—"the consent of the servant is, in all cases, necessary." This led to a long correspondence, in which several colonists took part. The settlers contended that, to require the servant's consent, was inconsistent with his civil condition ; "tended to weaken the sense of submission and control," and raise him into a dispenser of favors. A large amount of polite recrimination enlivened this dispute, which perhaps ended as was best—the last bond was broken.

SECTION XII.

ONE of the earliest (1824) and chief difficulties of Governor Arthur's administration sprang from an out-break of prisoners at Macquarie Harbour, who divided in their progress, and collected several formidable bands. The efforts to escape from that dreary region had been numerous, but unsuccessful : the unhappy beings who wandered into the woods, found no sustenance, and died either from exhaustion or by the hands of each other ; or when they endeavoured to ford the Gordon, and attain by a more direct course the settled districts, they were either drowned or taken. During the first five years, when not more than two hundred were confined there, one hundred ventured on this dangerous enterprise, notwithstanding their ignorance of the route, and the almost certain starvation which awaited them. Prisoners arriving from Hobart Town gave them erroneous tidings respecting the absconders, and delusive hopes of success, and thus the foolish and desperate were prompted to hazard the perils of flight.

The first (1822) adventurers were John Green and Joseph Sanders ; never heard of more : six others followed a few days after, and encountered a similar fate. They were pursued by two soldiers and three prisoners, who took with them a fortnight's provision and hunting dogs. The rain continued for seven weeks after their departure, and it was

presumed they perished from exhaustion.* Another party formed a catamaran, but it parted when they had proceeded a short distance; and they were rescued from its fragments by the soldiers. Eight others left in the following September, and all lost their lives, except Pearce, whose narrative will be noticed hereafter.

At Macquarie Harbour, the first commandant was Lieutenant Cuthbertson, a soldier who had been in eighteen general engagements; yet was glad of an appointment, to supplement the deficiency of his pay. His discipline was severe, but of brief duration. A small vessel, built at the harbour, was in danger, and Cuthbertson ordered out his own boat to its relief; this he effected: on returning, his boat was upset, and all, except two, were drowned. Cuthbertson was thrice raised by one of the crew; but finding his strength unequal to retain his hold, he said, "man, save yourself; never mind me—it is no use." On the death of the commandant, the chief authority devolved on a non-commissioned officer. The prisoners were disposed to question his right to obedience: his government was vigorous, and he flogged with redoubled frequency.†

In June, 1824, two parties absconded from Macquarie Harbour: one, consisting of three persons only, who seized the soldiers' boat, provisions, and arms. They proceeded about twelve miles, when they moored the boat to a stump of a tree, and wrote on its stern with chalk, "to be sold:" of this party no tidings were ever heard, and it is supposed that they perished. The second left five days afterwards, and were, for a time, more fortunate. Having resolved to escape, they proposed to capture the barge of commandant Wright; but suspecting their intention, he pushed off before they could reach it, leaving behind the surgeon. This gentleman they threatened to flog, and prepared the instrument of punishment; Brady interposed, and thus began his fatal career by an act of gratitude. He had experienced some kindness from the surgeon when a patient, and forgave his official attendance at the triangles. These men were usually friendly to the doctors: another medical gentleman, afterwards taken prisoner by Brady and his gang,

* From Barnes' and Lempriere's account: compared, they differ in statistics; but Barnes copied his statements from the official records at the Harbour.

† *Par. Pap.*

Of 182 prisoners, 169 were sentenced in 1822 to 7,000 lashes; that is, all were punished, except 13: and received each, upon an average, 400 lashes—inflicted with the severity unknown elsewhere.

was allowed to retain his lancet, and treated with respect, although robbed of his money. A few days before, he had released one of the party from punishment, by alleging his physical inability. It was thus in the power of the surgeons to favor the prisoners, and to mitigate the sentence of a rigorous magistrate.

The party having obtained a boat, proceeded towards the Derwent, and were pursued by Lucas, the pilot, without success. They left on the 9th, and appeared on the east coast of the Derwent on the 18th June, at the residence of Mr. Mason: having beaten him with great violence and cruelty, they next robbed a servant of Mr. Gunn of fire-arms. They were pursued by this officer, and five were captured. These were instantly placed on their trial, and were desirous of pleading guilty; but courts have always manifested dislike to such evasions of trial, and they retracted, on the persuasion of the chief justice. They attempted to extenuate their crimes by the hardships they had suffered, but in vain.

The advice to a person accused to plead not guilty, though anomalous in its aspect, is yet usually a proper protection to the ignorant and defenceless: such, under an impression of general guilt, might admit an aggravated indictment, and lose the advantage of those distinctions made by legislators on public grounds, between crime and crime; or the executive might delude a prisoner with fallacious hopes of mercy, to prevent the disclosure of extenuating facts to conceal official wrong; while ignorance of the details of a crime, might destroy the moral weight of exemplary punishment.

With these men was executed Alexander Pearce, whose confessions to the priest were, by his consent, published at his death. He formed one of the second party who absconded from Macquarie Harbour (1822). They had planned their escape with considerable skill: one was a sailor, and able to direct their course: they possessed themselves of a boat, and proposed to capture the vessel of the pilot, then laden for town. It was the custom, when a prisoner was missing, to kindle signal fires along the coast, thus giving notice to the sentinels: to prevent such information, the absconders poured water on the embers kept in readiness. This was not effectually done: and thus, when they had proceeded half-a-mile, they saw the smoke rising, and their passage cut off; they therefore landed, destroyed the boat, and entered the bush. They now commenced a course of fatigue and horror: they began to murmur, and

then to discuss the terrible alternative of general starvation: two, who overheard the proposition, returned to the settlement, but died almost immediately, from exhaustion. The rest travelled on, lessened at various stages in their course by their fatal necessity, till two only survived; these were, Pearce and Greenhill—the last, the victim. They spent two days and nights watching each other! Greenhill, who laid his axe under his head, to guard against surprise, first slept! Pearce was now alone, and destitute; but at length he came to a fire of the natives, and obtained some fragments of the opossum: at last he reached a flock of sheep, and seized on a lamb, which he proceeded to devour undressed. He was discovered by a stock-keeper, and when he surrendered was received with great kindness and sympathy. His host introduced him to the bushrangers then abroad; but being afterwards captured, he was again forwarded to Macquarie Harbour.

Such suffering might have been expected to overcome all future desire to abscond; yet, in company with Cox, Pearce again left the settlement: they remained several days in the neighbourhood, and then attempted to reach the northern part of the island. Pearce slew his unsuspecting comrade. Horror took possession of his mind; or, despairing to effect his escape, he returned and made signals to the *Waterloo*, then passing the coast. He confessed his crime, and professed a wish to die.*

* It has been suggested to the author, since the above was in type, that the disclosures of this unfortunate being are not without a moral, which may compensate for the disgust their perusal may occasion. They are therefore given in a note, which the reader may pass over:—

“ The Rev. Mr. Connolly, who attended this unfortunate man, administering to him the consolations of religion, addressed the crowd assembled around the scaffold, a few minutes before the fatal drop was let to fall, in words to the following effect: He commenced by stating that Pearce, standing on the awful entrance into eternity on which he was placed, was desirous to make the most public acknowledgment of his guilt, in order to humble himself, as much as possible, in the sight of God and man; that to prevent any embarrassment which might attend Pearce in personally expressing himself, he had requested and directed him to say, that he committed the murder of Cox, under the following circumstances:—Having been arrested here, after his escape from Macquarie Harbour, Pearce was sent back to that settlement, where the deceased (Cox) and he were worked together in the same gang. Cox constantly entreated him to run away with him from that settlement, which he refused to do for a length of time. Cox having procured fishhooks, a knife, and some burnt rag for tinder, he at last agreed to go with him, to which he was powerfully induced by the apprehension of corporal punishment, for the loss of a shirt that had been stolen from him. For the first and second day they strayed through the forest; on the third made the beach, and travelled towards Port Dalrymple, until the fifth, when they arrived at King’s River. They remained three or four days in an adjoining wood, to avoid soldiers who were in pursuit of them, and were all

These cases indicate the rapid process by which the habits of cannibalism are formed : the details of his trial were given

the time, from the period they started, without a morsel to eat. Overcome by famine, Pearce determined to take Cox's life, which he effected by the stroke of an axe while Cox was sleeping. Soon after the soldiers had departed, Pearce occupied the place they had been in, where he remained part of a day and a night, living on the mutilated remains of Cox ; he returned to the settlement, made signal, and was taken up by the pilot, who conveyed him to Macquarie Harbour, where he disclosed to the commandant the deed he had done, being weary of life, and willing to die for the misfortunes and atrocities into which he had fallen.

" The reverend gentlemen then proceeded to state, that he believed it was in the recollection of every one present, that eight men had made their escape, last year, from Macquarie Harbour. All these, except Pearce, who was of the party, soon perished, or were destroyed by the hands of their companions. To set the public right respecting their fate, Pearce is desirous to state, that this party, which consisted of himself, Matthew Travers, Bob Greenhill, Bill Cornelius, Alexander Dalton, John Mathers, and two more, named Bodnam and Brown, escaped from Macquarie Harbour in two boats, taking with them what provision the coal-miners had, which afforded each man about two ounces of food per day, for a week. Afterwards they lived eight or nine days on the tops of tea tree and peppermint, which they boiled in tin-pots to extract the juice. Having ascended a hill, in sight of Macquarie Harbour, they struck a light and made two fires. Cornelius, Brown, and Dalton, placed themselves at one fire, the rest of the party at the other ; those three separated, privately, from the party, on account of Greenhill having already said, that lots must be cast for some one to be put to death, to save the whole from perishing. Pearce does not know, personally, what became of Cornelius, Brown, and Dalton : he heard that Cornelius and Brown reached Macquarie Harbour, where they soon died, and that Dalton perished on his return to that settlement. After their departure, the party, then consisting of five men, lived two or three days on wild berries and their kangaroo jackets, which they roasted ; at length they arrived at Gordon's River, where it was agreed, that while Mathers and Pearce collected fire-wood, Greenhill and Travers should kill Bodnam, which they did. It was insisted upon, that every one should partake of Bodnam's remains, lest, in the event of their ultimate success to obtain their liberty, any of them might consider himself innocent of his death, and give evidence against the rest. After a day or two, they all swam across the river, except Travers, whom they dragged across by means of a pole, to which he tied himself. Having spent some days in distress and famine, it was proposed to Pearce, by Greenhill and Travers, that Mathers be killed, to which he agreed. Travers and Pearce held him, while Greenhill killed him with an axe. Living on the remains of the deceased, which they were hardly able to taste, they spent three or four days, through weakness, without advancing beyond five or six miles ; Travers being scarcely able to move from lameness and swelling in his foot. Greenhill and Pearce agreed to kill Travers, which Greenhill did while Pearce collected fire-wood. Having lived some time on the remains of Travers, they were for some days without any thing to eat ; their wants were dreadful : each strove to catch the other off his guard, and kill him. Pearce succeeded to find Greenhill asleep ; took his life—and lived upon him for four days. He was afterwards for three days without any sustenance ; fell in, at last, with the Derwent River, and found some small pieces of opossum, &c., at a place where the natives had lately made fires. More desirous to die than to live, he called out as loudly as he could, expecting the natives would hear him, and come to put an end to his existence ! Having fallen in with some bushrangers, with whom he was taken, Pearce was sent back to Macquarie Harbour, from whence he escaped with Cox, as has been already stated, for whose death he is now about to suffer."—*Hobart Town Gazette*, 1824.

in the *Gazettes* of the period, and are contained in the parliamentary papers; but who could bear to examine the diary of such a journey, or to describe the particulars of those sacrifices which fill the soul with unutterable loathing!

Arrests were constantly made, but did not diminish the number, or daring of new adventurers. Their exploits were contagious: many fled from the employ of government, and the service of settlers, and forfeited their lives after a short career. An instance will show the extent of their operations. By his spies the police magistrate was aware that a large quantity of goods would be offered to a certain person for sale, whom he instructed to purchase, and to pay partly by check and partly in cash. At midnight he surrounded a house in Hobart Town, with soldiers and constables: there he found the men he sought—their arms, their plunder, and the check. They had pillaged the dwelling of Mr. Haywood at the Macquarie, a district rarely free from depredations. One of the robbers was formerly, and a second more lately, in the service of the prosecutor, and a third was a neighbour. They had entered, by pretending to deliver a message, and assaulted both Mr. Haywood and his wife: they fired several shots, and left them with threats. They were promptly tried and executed.

Not long after, the same establishment was visited by Brady: he took but little, and assured the prosecutor he need not fear retaliation, for Broadhead, the leader of the last party, *was not a bushranger*! Eighteen were taken in one week, but they increased with equal rapidity.

The Governor, baffled by their lengthened defiance of the efforts to quell them, attributed cowardice and corruption with an unsparing bitterness; yet the difficulties even of the well-disposed were great, and they were often ignorant of the movements of the robbers. Their retreats were often in the forests, and known only to themselves; and at some future time property will be detected, the relics of early robbers, who carried with them to the grave the secret of their hidden spoil. Occasionally, the hut of a bushranger has been observed: one, curiously formed, was found by soldiers on the brow of Mount Wellington; and before the door, a salting apparatus. The servants of the Van Diemen's Land Company saw a hut at St. Patrick's Plains, beyond the Great Lake (1826). At a distance it resembled a gigantic fallen tree, and in its centre and side were doors, from which the whole plain could be surveyed and surprise prevented.

The Governor denounced the miserable fear of personal danger—certainly more natural in the bush than the council chamber. Doubtless many, equal to the bravery of an actual conflict, preferred to pay black mail to robbers, rather than risk their sudden inroads and secret vengeance. Nor was it at all certain that a marauder, when captured, would be detained: some broke from their prisons; from Launceston, a band together, who renewed their pillage with increasing diligence. Among others, they attacked the house of Mr. Harrison, and maintained a fire which riddled his premises. These men attempted to fortify themselves by erecting stone fences on the peak of a hill at the Macquarie: there they were surprised and taken. The insecurity of the prisons, and the mode of disposing of respited offenders, made it not unlikely that an officious witness would be called to a future account: thus an old man, who prosecuted a burglar, was visited by the culprit when he returned from Macquarie Harbour; violently beaten, robbed, and threatened with death.

To distinguish these men was no slight difficulty: they often pretended to be constables, and were in possession before the error was discovered. One, still more serious, sometimes happened: thus two constables saw two armed men enter a hut, and approaching challenged them; answer not being promptly given, they fired, and severely wounded both the astonished policemen. Nor were the settlers exempt from such perils. The bushrangers, often well dressed and mounted, made every traveller an object of suspicion: when riding over the Cross Marsh, Mr. Hodgson was challenged by the military stationed there; his motions of recognition they understood as defiance, and fired. To his remonstrances they answered with insolence, and expressed a wish that the shot had proved fatal. On a prosecution the rash soldier was acquitted, no malice being presumed (1826); and the attack was deemed a contingency of colonial life.

Among those whose crimes obtained them the greater notoriety, were Brady, M'Cabe, Jeffries, and Dunne: well mounted upon horses, and armed with muskets, they scoured the colony: murder, pillage, and arson, rendered every homestead the scene of terror and dismay. Those settlers most exposed, often abandoned the business of their farms: their dwellings were perforated with loop-holes, their men were posted as sentinels, and all the precautions adopted, necessary in a state of war. But though not without supporters and accomplices, the bushrangers were in far greater

danger of betrayal and capture than at a former period. The settlers, much more numerous, and of a higher class, felt that the suppression of the robbers, or the desertion of the colony, were the only alternatives. Governor Arthur exerted all the powers of government against them. Thus the issue was not long doubtful, although the contest cost many lives.

In July, 1824, a party under James Crawford, appeared on the river, and having robbed the house of Mrs. Smith, they loaded her servants with their plunder, and drove them towards the establishment of Mr. Robert Taylor: meeting his son, they compelled him to bear part of the burden. The family observed the party approach, and armed to meet them. Young Taylor called to his father not to fire; and when he came near his friends, he managed to escape from the robbers: a general skirmish ensued. The young man seeing a piece levelled at his father, seized the assassin by the throat, and pulled him down: this brought a comrade to the robber's assistance: one of the servants became alarmed for young Taylor, and fired; unhappily, the shot was fatal to the youth for whose protection it was intended. The robbers now made their escape, leaving behind, beside two of their companions, their arms and plunder. Governor Arthur addressed a letter of condolence and praise to the sorrowing family: their neighbours expressed admiration of their courage, and presented a piece of plate to them, in testimony of their sympathy and esteem. Their example was exhibited by the Governor to the imitation of the colonists, notwithstanding its terrible issue.

The overseer of Mr. Kemp was met by Brady and his party, and taken to his master's house; there he was ordered to gain admission, which he did by answering the challenge of his employer: the bushrangers having possession, robbed the house, in the presence of seven assigned servants and two free persons. Yet it was not a small risk to begin the *melee*; and it was not reasonable to expect men, in their civil condition, to hazard life to protect the property of a master, for whom, perhaps, they did not entertain much love. Thus the settlers could not always depend upon their men: many of whom saw, with pleasure, the vengeance inflicted on masters who had sometimes procured their punishment; and, partly by sympathy and partly by fear, they were deterred from rendering effectual assistance. Three men, with blackened faces, visited the residence of Captain Allison at Sandy Bay: he met them with uncommon courage, but

was struck down and beaten; he appealed to his servants, who only muttered a reply to his calls for aid. Mrs. Allison joined her entreaties, when at length an atrocious woman (Hannah Bell, afterwards notorious) said to the robbers, in a tone of sarcasm,—“ Come men, don't kill him quite out.”

One of their most daring exploits was the taking of the town of Sorell, and the capture of the gaol. They entered the premises of Mr. Bethune, of which they kept possession until dusk on the following evening. Two gentlemen, who arrived there during the day, they detained: they stripped them of their clothing, and tendered the prisoner dress in exchange; this being, however, declined, one of the gentlemen wore no other covering than a blanket. These, and others, eighteen in number, they compelled to accompany them to Sorell. A party of soldiers, who had been employed in pursuit all the day, and who were worn out with fatigue, while cleaning their guns, were surprised in the gaol. Brady locked them up in a cell, and offered liberty to the prisoners he found there; one of whom, who was charged with a capital offence, for which he was afterwards executed, declined the opportunity to escape. The gaoler hastened to inform Lieutenant Gunn, who was in the neighbourhood, and thus prepared for the arrival of the robbers: while raising his arm, he received a shot above the elbow, which rendered amputation necessary. This officer had been employed in the pursuit of the marauders for a considerable time, and his gigantic stature, courage, and energy, rendered his name formidable: he received from the public a valuable present, and a pension from the colonial fund.

The roads were infested, and communication was dangerous: travellers were arrested and tied to trees; and sometimes, though not frequently, treated with cruelty. To preserve their property, the settlers resorted to concealment and stratagem: among the rest, the contrivance and coolness of an old woman, merits remembrance, who knowing that the robbers were on the road provided a paper of blank notes, which she delivered to them, and thus saved a considerable sum, the result of her marketing.

Their close pursuit at length filled them with a spirit of mischief, and they perpetrated various acts of cruelty and wanton devastation. Among their most ordinary pleasantries, was forcing the people of an establishment to drink to drunkenness: thus their recollection became confused; they could not follow, and the robbers enjoyed the scene of their helpless intoxication. They held a pistol to a servant of

Mr. Hance, of the river Plenty, and compelled him to drink a large quantity of rum : they then led him off the farm and left him. He was discovered some time after by a shepherd, his dog fondly licking his face : when raised up, he called for water, and died. Inflammation caused mortification of the intestines ;—the tender mercies of the wicked are cruel ! Not content with pillage, they destroyed the wool of three years' clip, the corn stacks, and the barns on the establishment of Mr. Lawrence, by fire. Several other settlers experienced similar visitations. The Governor issued a proclamation, five hundred copies of which were scattered through the colony. He threatened with death all persons who might afford them countenance. He offered rewards to a large amount : for every bushranger mentioned in the notice one hundred guineas, or three hundred acres of land ; or to prisoners, money and a free pardon, whether directly or indirectly engaged in the capture ; and to the chief constable in whose district the robber should be taken, one hundred acres. He complained that sufficient energy and co-operation had not been employed, and called upon the magistrates and other persons to combine for the liberation of the country. He himself resolved to fix his residence at Jericho, to direct the operations ; and the inhabitants of Hobart Town formed themselves into a guard, that thus the soldiers and constabulary might be wholly employed in this important service. The robbers, however, being mounted, were enabled to move with considerable rapidity, and carried on their depredations in every part of the island.

By acts of wantonness and vengeful barbarity, they intended to intimidate the prisoners. They called Thomas Preston from his hut, on the South Esk, and deliberately shot him. They took Captains White and Smith prisoners : the last, they made to kneel—their usual preparation for murder ; but were induced to spare his life, by the intercession of his companion, who appealed to their humanity on behalf of his wife and children ! They endeavoured to capture the *Glory*, belonging to one of these gentlemen ; but finding the wind unfavorable, they relinquished that purpose. While Brady was on a hill, watching that vessel, a confederate escaped, intending to betray them to Colonel Balfour : one of the party, stationed as sentinel, was tried by a sort of court martial, for permitting his elopement ; he was shot, and flung into the Tamar. They sent word that they would visit Launceston gaol, carry off Jeffries, and put him to death. Their message was of course treated with

contempt, but they landed and advanced to the residence of Mr. Dry, who was then entertaining a number of his friends. The banditti plundered the house, and were packing up their booty when Colonel Balfour, to whom a messenger had been dispatched, arrived with ten soldiers and surrounded the house: the robbers retreated to the back part of the premises, and fired into the rooms. It was dark, and when the firing ceased, they were supposed to have retreated. The colonel, with four of his men, hastened to protect the town, to which a division of the robbers had been sent by Brady. As soon as he departed, some of the party again showed themselves: Dr. Priest joined Mr. Theodore Bartley, and the remaining soldiers; unfortunately, his clothing being partly white, enabled the robbers to take aim. His horse was shot dead: he himself received a musket ball, which wounded him above his knee; and refusing to submit to amputation he lost his life.

Exasperated by these crimes, the whole country rose against them: they were sought in every quarter. The settlers, and soldiers scattered over the colony, at the first notice of their appearance, were prepared to follow them. The Governor himself took the field, and infused vigour into the pursuit; and in less than a month the chief robbers were in the hands of justice. Brady, wounded in the leg, was overtaken by the soldiers, and surrendered without a struggle. With Jeffries, he was conveyed to Hobart Town. A large crowd assembled to see robbers, who were admired for their boldness by many, as much as they were detested for their crimes.

The most ferocious of the bushrangers was Jeffries: he obtained his reprieve in Scotland, to act as executioner.* Being transported to this country, he was employed as a scourger, and thus trained to cruelty, entered the bush. He robbed the house of Tibbs, a small settler, and after wounding, compelled him, with his wife, to proceed to the forest. The woman carried her infant: Jeffries was disturbed by its cries; perhaps, fearful that the sound might conduct his pursuers. He took the child from the arms of its mother and dashed out its brains against a tree! When captured, he was taken to Launceston, where the people, exasperated by his unusual guilt, were scarcely restrained, from summary vengeance, by the presence of a strong guard. While in prison he made sketches of his murders, and wrote memoirs

* *Ross's Almanack.*

of his life ! His countenance was an index of his character. Not so with Brady ; who, though guilty of heavy crimes, pretended to something like magnanimity : he was drawn into the plan to escape, contrary to his own judgment, and then said the *die* was cast. His robberies were skilfully planned and deliberately executed : he often restored such articles as the sufferers specially valued. To every indictment he pleaded guilty : it was thought in contempt of justice ; but certainly in the full conviction that it was useless to expect either mercy or acquittal.

An instance of his persevering vengeance, which rests on the authority of a magistrate, may be worth remembering. A man, who had been a confederate, determined to entrap him : Brady on approaching his hut felt a presentiment of treachery ; but at length was persuaded to advance. The constables were in ambush : they fired, and both himself and his companion were arrested. Brady, wounded, was left bound in the hut with his betrayer, while the constables conducted his comrade to a place of confinement. He now requested to lie on the bed, and that a kangaroo rug might be thrown over him : this done, he disentangled his arms and asked for water. The guard laid aside his gun to procure it ; this Brady seized, and in his turn became captor. While bound, he reproached the man for his perfidy, who said that he could but die ; and that there was neither God nor devil ! But being now in Brady's power, he fell upon his knees, and prayed him, for *God's sake*, to spare his life. Brady reminded him, that he had just said, "there was no God ;" but added, that the report of the gun might give warning of the state of affairs. He bade him beware of their next meeting, and departed. Afterwards, in company with his gang, he met this man, and holding a pistol to his head, told him to say his prayers : the man, finding remonstrance useless, coolly placed his head against the door of the hut, and said, "fire !" and was shot dead.

Permission being given for prisoners to unite with the bushrangers, to betray them, men in irons left the town secretly, joined the gang, and gave intelligence to the police. This manœuvre was soon worn out. A prisoner, who escaped from gaol, desired to join them in good faith ; but believing him a decoy, the gang adjudged him to suffer death. He was compelled to drink a quantity of laudanum : they then left him ; but his stomach rejected the drug, and after a sound sleep he recovered. He again met Brady and his gang : two pistols were discharged at him : he fell, and was

left for dead ; but the wound was not mortal, and reviving he determined to deliver himself up. He was, however, again unfortunate : he met Brady and his companions once more, who again fired ; but the bullet, instead of entering the skull, glanced round it. He fell senseless to the ground, and was thrown into a dry creek ; he, however, recovered, and long survived these adventures.* The high authority on which this anecdote rests, is quite necessary to suppress the question of its truth.

During two years ending with 1826, one hundred and three persons suffered death, being 3 8-15ths in proportion to one thousand of the population : more than in Great Britain. He who looks at these statistics alone, will conclude not only that the people were wicked, but that the government was cruel. At one sitting of the court thirty-seven persons were sentenced to death ; and of these, twenty-three were executed in the course of a fortnight : nine suffering together, and fourteen others on two days closely following. A sacrifice of life so unusual, could only be justified by the peculiar circumstances of the colony, and the character of the criminals ; and the notions which then prevailed respecting the punishment of death.

We are forcibly reminded of a passage in Lord Coke :—“ If a man could see all the *Christians*, that in one year come to that untimely and ignominious death—if there were any spark or grain of charity in him, it would make his heart bleed !” The extreme pains taken to reconcile the unfortunate beings to their lot ; the assiduity of the clergy to make up, by the assurance of divine mercy, the inexorable fate which awaited them ; proved that these awful slaughters were onerous to the colonial conscience, and vindicable only as the last resort of the last necessity. The Governor must be acquitted of great blame. A discussion, of considerable warmth, arose (1825-6) on an address being presented from fifty persons, who complained of the delays of justice on bushrangers already condemned. The gaol was crowded, and the prisoners seemed not unlikely to escape : several did actually break out of prison. This memorial was transmitted by the government to the chief justice, who, while he disdained giving reasons to the colony, vindicated his court : the magistrates neglected the depositions ; the

* “ The fact was also corroborated by Brady, when examined by the gentleman from whom I got the account ; and, strange as it may appear, it is perfectly correct.”—*Breton's New South Wales*, p. 340.

attorney-general the indictments, and the jury their summons. He had sat in a silent court until ashamed, while prisoners awaited deliverance. He had often felt disposed to discharge them; some of whom were detained longer for trial than for punishment. He could not perceive how the delay of execution could facilitate the evasion of capture by those at large. In transmitting this reply, Arthur took occasion to refer to the colonial press, supported by several of the memorialists, as largely implicated with the crimes of the bushrangers. He traced, with some artifice, the violence of the robbers to political dissensions, as inspiring men who easily confounded "the liberty of writing and the liberty of acting." To be satisfied that the Governor did not seize an occasion of rebuke, rather than account for a public misfortune, is difficult; and not less, to sympathise with the petitioners. It is common for private individuals to deprecate the severities of public justice, but the awful state of the colony must be admitted, when fifty persons, among its most opulent and even humane inhabitants, were anxious to hasten the offices of the executioner.

The ignorant and brutal among the prisoners rushed into violence and crime, with a recklessness of life scarcely credible. Not less than one hundred were in arms at that time;* most of them were absconders from the various penal stations, and had exhausted all those forms of severity which stopped short of the scaffold. Of seventy-three sentenced together, nine were for sheep-stealing, four for forgery, five for murder, and twelve for robbery; besides four for the offence known in gaols under the name of blanketing, who were ordered for execution—a punishment which was commuted, being even then thought too severe for a theft committed in gaol. They threw over the man whom they robbed a blanket, and raised loud outcries; and in this form effected their design.

A few of the cases tried on this occasion, will better illustrate the condition of the colony than any general description. The murderers of Alexander Simpson, a settler at Pittwater, pillaged his shop, where he was accustomed to sleep for the protection of his property: his body was found in the river, decapitated, and his flesh torn from his bones; in many places literally bare. On closer examination, the mark of a cord was observed round his neck, which probably occasioned his death. The mangling of his body was

* *Gazette*, 1825.

intended to destroy the proof of identity: no marks or signs of struggling were visible, nor was the head discovered. One of the murderers dropped an expression, from which guilt was inferred. Suspicion was directed to several of the neighbours: articles, such as the deceased possessed, were found in their dwelling, *wet*; others were discovered in a house adjoining the deceased's, *also wet*; the accused were seen together, on the night of the murder. Twenty-two witnesses gave evidence to facts, all of a circumstantial nature; but sufficient to secure a verdict against them. This crime was considered but a type of many, committed in a neighbourhood, the traditions of which furnish many a tale of blood.

Among those who suffered death, were several whose captors acquired considerable reputation for their courage. Three were taken by Lucas, the pilot, assisted by a man and a boy, to whom they surrendered with arms in their hands: they had just before committed a robbery at the house of Mr. Holdship. On his defence, one of their number told the judge, that whatever might be law, he himself could not consider that to hold a pistol at the head was to offer violence! Several others belonged to a party which had escaped from Maria Island, a new penal settlement. On their landing, they advanced to the house of Mr. Gatenby, and were seen approaching by his son, who took up his gun and went out to meet them: he called upon their leader to lay down his arms, which he answered by a discharge. Mr. Gatenby returned the shot, which proved mortal. The companions of the robber endeavoured to carry him off; but finding this useless, they retreated, and re-appeared at the premises of Mr. James Robertson, on the South Esk, whose hands, and those of his assigned servants, they tied, excepting one who was lame. Mr. W. Gray coming up on horseback, they made prisoner, and bound him in a similar manner. The leader of the robbers mounted his horse, while the rest guarded the gentlemen and servants, and marched them on towards the river. Mr. Gray disengaged his arm, and by a signal seized one bushranger, while the lame man assailed another. Mr. Robertson also released himself, and got possession of the guns. The robbers were overpowered: one only escaped, but was captured the following day.

The Governor was not slow to acknowledge these instances of gallantry. The courage of the masters, and the fidelity of their men, were held up to the colony as brilliant examples, and to the robbers as a proof that persons of the same

civil condition had no sympathy with their crimes ; that their career would be short, and their capture certain. Tickets-of-leave were granted to the men, with a promise of full freedom, as a reward of one year's service in the field police. The *Government Gazette* observed, that such presence of mind and personal bravery, in another age would have entitled the captors to armorial bearings ; they, however, received donations of land, perhaps not less valuable in this meridian.

Amongst others who received a reprieve, was William Kerr, convicted of forging, in the name of the chief justice, an ingenious device, which, if it did not preserve him from conviction, perhaps rescued him from a severer fate. He was advanced in years, and said to be a near relative of the Earl of Roxborough, and a brother to Lord Kerr. In gaol, he was conspicuous for his zeal in attempting the instruction of his fellow prisoners, performing the office of chaplain in the absence of a better ! These unfortunate beings were placed together in cells, too narrow to allow retirement or freedom from interruption : their attempts at escape, once or twice nearly successful, rendered it necessary to load them with irons. The time of execution was fixed, ere they wholly despaired of liberty. There was not, however, deficiency of clerical attention : Mr. Corvosso, the wesleyan minister, joined with Messrs. Bedford and Knopwood, in this awful task.

Large crowds assembled to witness the first execution ; but when the novelty was over, the interest subsided. The last assembly was more select : in the description given by Dr. Ross, we seem rather to read of a martyrdom than an expiation. They came forth, he observed, with countenances unappalled : the light of truth rendered that ignominious morning the happiest of their lives. They prayed in succession, in a devout and collected manner : one in particular, with a countenance serene and placid, expressing his thanks to the chief justice for his impartial trial ; and to the Governor for rejecting his petition for life. In this tranquil frame they submitted to the executioner. The spectators were affected to tears : the officers and clergymen, overpowered, hurried from the scene : the criminals died, as they were singing—

“ The hour of my departure's come,
I hear the voice that calls me home ;
Oh, now my God, let troubles cease,
And let thy servant die in peace.”

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About this time Dunne, the bushranger, was executed : he attained a considerable distinction by his crimes ; more, by his protracted evasion of pursuit, and his sanguinary resistance of capture ; and still more, by the ceremonies of his execution and the honors of his funeral. He came forth to the scaffold, arrayed in a robe of white, adorned, both before and behind, with a large black cross. He wore a cap with a similar token, and carried a rosary in his hand. He was presented with a coffin of cedar, ornamented with the devices of innocence and sorrow ; and bearing a plate, which told his name and the time of his death ! As he advanced, with several youthful fellow sufferers (of whom it is only said, that they seemed *much terrified*), he continued to exclaim, smiting his breast with theatrical expression of grief—"O, Lord, deliver us !" He was followed by forty couples to the grave. Such were the honors paid to a murderer. It is not astonishing, that witnesses were insulted, and had to appeal for protection. A proposition was made by the government newspaper, to render penal the taunts which prisoners were accustomed to use against such as assisted in the suppression of outrage.

The public effect of these exhibitions will be extremely questionable by sober-minded and pious men. To see a criminal depart from this life in a hardened and contemptuous spirit is, indeed, appalling ; but the serenity, and even rapture, thus common when terminating a career of guilt and cruelty, often entered into the calculation of transgressors. Among the miserable forms of vanity, is the triumph of boasting penitence ; and even when nothing else remains, the *eclat* of a public execution. Some were anxious to commit to writing their own last confessions of guilt, to secure a posthumous interest in the terror or pity of mankind.* The fullest appreciation of that system of mercy, which never separates religious hope from the living, would scarcely justify confidence, founded on such demeanour and language between the cell and the scaffold.

Scarcely had this scene closed, when the prisoners in the penitentiary, allured by the prospect of escape, broke through the gaol, and seized a boat : as they approached the *Emma Kemp*, a premature display of muskets convinced them that their plan was discovered. It was, indeed, known by the

* The author is assured by a clergyman, that he has been dismissed his attendance upon a prisoner, within a few days of his execution, for refusing to write down the particulars of his life.

officers of the gaol prior to their departure; who, calculating on their arrest, permitted the consummation of their plans. This cost them their lives: they retreated to the shore, robbed Mr. Mortimer of eight stand of arms, and commenced their career as bushrangers. They were evidently unwilling adventurers, and soon taken. The Governor, at their execution, compelled the attendance of the prisoners, in the fallacious belief that the sight would prove admonitory as well as terrible.

Several were mere youths: their obituary, furnished by the indefatigable chronicler of executions, Dr. Ross, is not without interest. There was Dunhill, six feet three inches high and handsome, a frequent attendant at criminal courts; whose father was a prisoner for life, and whose family, once the terror of Yorkshire, were mostly transported or executed. There was Child, the son of a Bristol merchant, who, as the rope was adjusting, said, "I know I shall go to heaven!" There was a Scotch boy, who sang as he went; but said he was ruined in the penitentiary. Another had driven his mother to self destruction.

Nine men were executed towards the close of the following year, for the murder of a constable, named George Rex, at Macquarie Harbour: their leader, James Lacy, a person of considerable talent, was saved on a former occasion by the mediation of the Rev. W. Bedford, who represented that to Lacy's influence a settler owed his life. Having planned an escape, they seized the constable; and having bound and gagged some fellow prisoners, whom they rejected as accomplices, they took Rex and pushed him into the water, and held down his head until life was extinct. They then formed a raft, but it was insufficient to convey them: three only landed on the main, and were pursued and retaken. The sole witnesses summoned against them were prisoners, who prevaricated in their testimony; but the presence of surgeon Barnes supplied the evidence they thought proper to conceal, and insured the conviction. At the close of the trial, Lacy leaned over the bar and said, "had it not been for you, doctor, we should have pulled through."

Lacy was conspicuous in the press-yard for his fervour, and delivered an animated warning to the multitude, who were drawn together to witness an unusual sacrifice of life at one drop! Dr. Ross, who still endeavoured to rally round the scaffold some special interest, gave an artistic description of their end; but he was astonished to observe how the sufferers themselves were but little affected, and the spec-

tators less. He mourned over the unmeaning countenances of the mob, who felt little but curiosity when they saw them step from the full bloom of life to the grave! Nor was it perceived by that zealous defender of lenity, when the government was lenient, and of the severity, when the government was severe, that the execution of nine persons for an act, in which three only actually participated, or perhaps contemplated, could only be possible among such a people. It is rather a matter of exultation, that there is a limit, beyond which executions become the dullest of all entertainments. At that time no one would have thought a single sufferer worth a glance of the eye.

It is remarked, that the most notorious of these offenders were rather prepossessing, except that their looks, by long residence in the bush, had acquired an air of wildness. The indicative theories of Lavater were negated by the usual aspect of these crowds of victims; but the most impatient of penal restraint, have been not only violent and corrupt, but often of resolute and generous dispositions; often possessing the elements of a mental character, which, had it not been perverted by crime, might have been distinguished for the energy of virtue. On the primary treatment of such men, everything depends; and their first master determined whether they were to become active and intelligent agriculturists, or by pernicious indulgence, and not less ill-judged severity, to pass rapidly, by a reckless and resentful temper, from the triangle to the scaffold.

Such severe exhibitions of penal vengeance were intended to crush the insurgent spirit; to prove to the prisoners that any forms of combination or resistance would be followed by severer suffering. The re-action of that excitement assisted the future success of discipline. It convinced the masters that a neglected or careless management was equally pernicious. But the natives, also became objects of terror: the outlaw could not wander far without risk from their spears, or hover near the settled districts without encountering the roving parties employed in their pursuit. Thus the ravages of white men almost wholly ceased, during the conflict with the aboriginal tribes: the constables and the blacks together beat up the quarters of absconders.

But the precautions of the government were more effectual than its severity. Hitherto many had lived at large. At night their own masters; when not seduced by more serious temptations, their drunkenness exposed them to the lash; and dread or resentment precipitated them into open crime.

In 1827, the enlargement of the penitentiary, and its better order, enabled the government to recal from private dwellings those least worthy of trust; and to make the indulgence of a home a reward for orderly and industrious habits. The prisoners employed by the crown were divided into seven classes. Some were permitted to labor one day weekly for their own advantage: these were the mechanics, who were detained only because they were artisans; others, on the roads, were allowed half that time, and by great exertions often obtained very considerable sums. The rest were in irons, or sent to the penal settlement under a magisterial sentence.

The fate of many who had suffered death was traced by the Governor to the imprudence and guilty connivance of the masters, or to the irregular methods of payment long interdicted by the crown; such as cattle, allotments, or a portion of time. The executive council professed to follow up these evils through every stage of their growth, until they were finally consummated on the scaffold.* During twenty years they had been often condemned; but they were not extinguished until the market was enlarged, and labor became scarce—so much do moral questions depend on material revolutions.

The distribution of servants was made with more prudence, and some reference to their previous habits and mode of life; and a stand was opposed to the sole superintendence of prisoner overseers, who were often the occasion of unjust punishments and criminal laxity. The impounding laws gradually cut off another occasion of mischief. Heretofore, large herds of cattle were under the charge of prisoner herdsmen, who were armed with guns. The wild and exciting employment exposed the men to many temptations: their daring spirit and fearless riding, rendered them objects of admiration; and created discontent in the minds of prisoners who were tied down to the more quiet labor of a farm. Of eight men employed by Mr. Lord, a wealthy colonist, five suffered death for various crimes.† Such persons lived remote from the

* "The flagitious proceedings of several of these men were clearly traced to have had their source in the weakness or improper treatment of their employers, whose ill-judged neglect of discipline, or corrupt toleration of irregularity, had contributed to entail consequences so awful to those victims to offended justice. If it shall be ascertained, any settler makes payment to convict servants in stock, or apportions to them land for their exclusive benefit, or suffers them to be employed in any other than his immediate service, every support and indulgence of the crown will be withdrawn."—*Gazette Notice, Sept. 1826.*

† *Ross's Almanack.*

civilised community and the inspection of their employers : often the channel of communication between the town receivers and country thieves ; nor this alone. The large herds wandering far beyond the limits of the settled country, and without a recognised owner, suggested to the discontented servant a resource, and led him to abscond where he could subsist on the flesh of slaughtered spoil.

SECTION XIII.

To preserve the continuity of this narrative, it may be advisable to give throughout the incidents which relate to Macquarie Harbour. The short but severe government (1824) of Lieutenant Wright was superceded by Captain Butler (1825), of whom the common testimony is favorable. Its economical results will be comprehended in that general view of prison labor, reserved for the close of this volume. He extended cultivation, and thus mitigated the sufferings of the prisoners ; and by building ships, varied the industry of the men—many of whom went down for punishment, but returned skilful mechanics.

Of all the thousands professing to bring back its consolation to the wretched, not one minister had been found—perhaps not sought for—to try there the remedies of the gospel. That a Wesleyan missionary ventured, entitles him to the esteem of mankind. Governor Arthur suggested, and even entreated this direction of missionary labours : he wrote to Joseph Butterworth, M.P., and to the Colonial-office, and the Rev. Mr. Schofield was appointed to enter this moral desert. On his arrival in 1829, he heard terrific accounts of the perils of that place : he was told, that his labors would be useless, and his life sacrificed. He hesitated for a time ; but Arthur declared that such a post of danger, he, as a soldier, should consider one of honor.

Mr. Schofield proved that he was neither deficient in zeal nor prudence. The place prepared for his ministry was, indeed, comfortless : the wind overpowered his voice, and his congregation shivered with cold ; but to the men it was a new era. Having discoursed on the advantages of knowledge, forty-seven prisoners requested instruction ; and, assisted by Mr. Commissary Lempriere, and countenanced

by the commandant, he taught many to read. Capt. Butler marked a change in the temper of the men: punishments fell off one half; several were united with the wesleyan society; and on the missionary's recommendation, their stay was shortened.

They only should ask the reality of such repentance, who have endeavoured to reform the wicked. One man was specially pointed out to Messrs. Backhouse and Walker: the change in his conduct was great, and its effects visible: his demeanour, his countenance, and, said the commandant, "his very voice was changed." He had lost his arm by an accident, which nearly deprived him of life. He had formed a cave at the base of the island, reached by a steep slippery descent. It was here Mr. Backhouse joined him, as he knelt down on the rough floor of his cold cavern to adore the Almighty, for granting the privilege of solitude! Strange meeting, and strange subject of thanksgiving!

Messrs. Backhouse and Walker, of the Society of Friends, travelled these colonies (1831 to 1836), chiefly engaged in religious labors, and principally to admonish the prisoners. The volume, of which Backhouse was the author, attests their industry and accurate observation, while performing a mission, which the moral weight of their connections rendered of great moment. To understand this record of their labors, some acquaintance with science is requisite, and not less a knowledge of quaker modes of thought. The adventurous and buoyant spirit of the writer, which carried him into odd situations, is sometimes irresistibly droll, in contrast with formal phrases. He was a gentleman of prudence and sagacity: "he lifted up his heart to God; took his pocket compass," and thus escaped some perils, both by sea and land; and carried to England a reputation, from which detraction has taken nothing, and which friendship would scarcely desire to improve.

The capture of the *Cyprus* in Recherche Bay, on the voyage to Macquarie Harbour, was a stirring episode in the history of transportation. It excited vast interest in Great Britain, and was dramatised at a London theatre. The prisoners, who wage war with society, regarded the event with exultation; and long after, a song, composed by a sympathising poet, was propagated by oral tradition, and sung in chorus around the fires in the interior. This version of the story made the capture a triumph of the oppressed over their oppressors. The stanzas set forth the sufferings of the prisoners by the cruelty of their masters, who they vainly

attempted to please. It related their flight from torture to the woods, and drew but a dreary picture of the life of an outlaw. It passed through the details of conviction and embarkation, and then described the dashing seamanship of the pirates in managing the bark, once destined to carry them to that place of suffering; but which bore "bold Captain Swallow" to the wide ocean and liberty. Such was the song; but the facts were different. In August, 1829, thirty-one prisoners embarked on board the *Cyprus*; among them was Swallow, a seaman, who eighteen years before had cut out a schooner at Port Jackson, and was afterwards transported to Van Diemen's Land in the *Deveron*, Captain Wilson.

This man, before he landed, exemplified remarkable courage. A dreadful storm disabled the vessel; the rigging was in fragments: it became necessary to cut away a portion of the wreck, which would probably cost the adventurer his life. The captain called for a volunteer, and all being silent was himself about to ascend, when Swallow remarking that his own life was of little moment, accomplished the perilous task. Perhaps presuming on this service, he was found secreted on board the *Deveron* on its homeward voyage, and was delivered to the British admiral at Rio; he, however escaped, got to London, was retaken and returned to this colony. Several others were capital respitees, who had been guilty of atrocious crimes.

These men were entrusted to the charge of Lieut. Carew, and a guard of ten soldiers. On board they had provision for four hundred men for six months, with a scanty supply of water. When he received the prisoners, Lieut. Carew was warned of their desperate character by the gaoler, though not of the precise nature of their crimes. The ammunition supplied was, however, insufficient—ten rounds each man: to spare the powder, the muskets were not often charged. The berths of the soldiers were below, and the opening only sufficient to emerge unarmed: that of the prisoners was too small to permit their lying down: one opening admitted air, without bars or fastenings, and could not be closed day or night. It was necessary to exercise on deck, and at the time of the capture the number allowed was exceeded, it is said by the connivance of the convict sailors. Several of the prisoners had before been relieved of their irons: among the rest, Swallow, the pirate captain; and when the assault commenced, there were nine, and soon after sixteen engaged in the fray. There were only two sentinels, and

one other soldier unarmed on deck. Lieut. Carew had left the vessel to fish, accompanied by the surgeon, the mate, a soldier, and the prisoner Popjoy. A few minutes after, he heard the firing of a musket, and hastened towards the vessel; but when he reached her side she was taken. The struggle with the sentinels seems to have been severe; and one of the soldiers below fired a shot, which passed between the arm of Swallow and his side. The mutineers compelled them to surrender by pouring down water into the hold, and threatening to stifle them if resistance were prolonged: they were also in danger of suffocation from their own gunpowder. Carew implored the pirates to give up the vessel, and promised oblivion: when attempting to board, they pointed several muskets at his breast. At length he consented to go ashore, with the soldiers and thirteen prisoners, who refused to share in the adventure; and, in all, forty-five were landed at different points of the bay. The pirates gave them one sheep, a few pieces of beef, thirty pounds of flour, and half a bag of biscuit, with a small quantity of spirit and sugar; and at dawn sailed from the coast. The refusal of a boat, cut off all immediate communication with the port, and gave time for considerable progress. The *Cyprus* was without charts, but several of the mutineers were well acquainted with navigation.

The sufferings of the party on shore were inexpressible: they distributed one quarter of biscuit daily, and subsisted chiefly on muscles, found for some time, until a spring-tide covered them. Morgan and Popjoy set out the next day for Hobart, and attempted to cross a river, with their garments tied on their backs: they were driven back by the natives, and were obliged to return, having lost their clothes. Five men started to head the Huon, and thus reach Hobart; and were saved from starvation, only by the party sent down to meet them. Morgan and Popjoy, under the direction of Carew, and encouraged by his lady, who displayed extraordinary fortitude, constructed a coracle of wicker work, about twelve feet long, formed of the wattle: they covered it with hammock cloth, and overlaid it with boiled soap and resin mingled, which they happened to possess. In this frail bark they boldly ventured to sea; and, notwithstanding a strong south breeze, happily found the *Orelia* at Partridge Island, twenty miles distant. Contrary winds had compelled that vessel to put back to the island, and boats were instantly forwarded to the relief of the sufferers, who for two days had been without sustenance. Though several had

received severe contusions in the capture, and experienced much privation during the thirteen days detention, no life was lost.

The circumstances attending the capture were subject to the investigation of a court martial. Lieutenant Carew was charged with neglecting the proper precautions, though warned of the extreme peril which demanded his vigilance; that he proceeded on a fishing excursion; that during his absence the vessel was surprised and seized; that he exhibited professional incapacity, and had been guilty of a breach of the articles of war. This trial lasted five days, and was fully reported. The evidence is conflicting, and especially respecting those incidents which were supposed to suggest the capture to the prisoners: such as the neglect of the fire-arms, and the indulgence of the prisoners by a removal of their irons, and their access to the deck. On the other hand, the testimony was positive and multiplied, that Carew had guarded the prisoners with great steadiness and rigour. That he apprehended no danger was certain—his wife and children were aboard; but he forgot that the desire of liberty makes men quick and desperate, and that they who had the miseries of Macquarie Harbour before them, made light of life.

The arrangements of the vessel did not, however, admit of proper precautions. When two of these men, in company with sixteen other prisoners, were sent down three years after to the penal settlement, there were ten soldiers to guard them: two only were on deck at once. Their prison was railed in, and closed down with triple bolts: the sentinels were doubled, and some sat continually in sight of the prisoners.*

The pirates proceeded to the Friendly Islands, and thence to the Islands of the Japannese, where seven deserted, and the rest passed towards China. Four seamen presented themselves in a boat, having *Edward* on the stern, to a vessel at Whampoa, and stated that they had belonged to a lost ship of that name. Swallow was one of them: he was examined by the committee of supercargoes at Canton, and produced a sextant on which was the name of Waldron, of the *Edward*. This name Swallow assumed, and said that he was captain of the *Edward*, of Durham; related his voyages to various ports of South America, the Sandwich Islands, and Japan. Compelled to abandon his vessel, injured by the fire of the Japannese, the crew had divided

* *Backhouse's Narrative.*

into parties, of which himself and companions were one. This deposition was forwarded to the company's secretary, and passages were given free to Swallow and three others. A few days after he had sailed, four more appeared: Davis, who gave his name as Stanley, was examined; but he had forgotten the assumed name of the captain, and called him Wilson—this led to minuter inquiries, and he was sent home a prisoner. Information was instantly forwarded, and reached England before Swallow arrived with his companions, and a warrant was issued for their detention: the three were taken, but Swallow had left the ship at Margate, and for a time escaped.

Watts, Davis, and Swallow, were ultimately tried for this offence by the Admiralty Court, in London: the two first were executed, and Swallow was acquitted. It is said that the proof of his participation, except by compulsion, was incomplete. The events which led to their conviction were curiously coincident. The Thames police magistrate was unable to proceed, and they might have been discharged; but the police clerk had studied the *Hue and Cry*, and was struck with their resemblance to the description. Popjoy, now in England,* pardoned for his good conduct at the capture, had been recently before the magistrate for some trifling offence, and to interest his worship had given the story of the capture, the coracle, and all incidents of his intrepidity. He was thus soon found out by the police, and gave full proof of identity. He stated their crimes, their names, and secret marks which were discovered on their persons: one of them, the very day of the capture, had the figure of a mermaid punctured on his arm. Mr. Capon, the gaoler of Hobart Town, was in London,† and thus was able to supply important particulars.

Several were forwarded to Van Diemen's Land, and tried by Judge Pedder: they pleaded that their concurrence was involuntary. The chief question was the actual position of the vessel; whether or not on the high seas. The military jury were not disposed to hesitate on this point, and when asked repeatedly, whether they found a place shut in between two heads *the high seas*, they answered, without hesitation, "we do." Only John Cam suffered death in Van Diemen's Land. Robert M'Guire was tried last for this offence: in the

* This man had been transported, when eleven years of age, for horse-stealing. He was lost off the coast of Boulogne. Swallow died at Port Arthur.

† On the affair of Ikey Solomon.

scuffle, he wounded a soldier, who had attempted to strike him, and whose testimony was decisive: he stood sentry, with a military cross-belt and bayonet fixed; and was recollected by his refusal of liquor, which he warned his comrades would prove their destruction.

The chief advantage of Macquarie Harbour was its total isolation; but the opening of the country from the Derwent to the Gordon, destroyed this seclusion. The bar gradually rising, became more dangerous: the place was too distant for supervision or supply; its barren soil allowed no variety of labour or produce. The decaying buildings were of little worth: there was nothing removable, except the doors and windows. These were shipped on board the *Frederick*, of one hundred tons; and all being ready for sea, on the 11th January, 1834, Mr. Taw, the pilot, as captain, embarked with the master shipwright, Mr. Hoy, the mate, ten prisoners of the crown, and a corporal's guard. They were detained by adverse winds, and the pilot allowed the prisoners to land to wash their clothing, all except one; they returned with great apparent cheefulness. Two of the soldiers were permitted to fish near a neighbouring rock, and thus only two remained on board: while one of these, allured into the fore-castle, listened to the singing of a convict, the prisoners on deck handed out the arms. Messrs. Hoy and Taw endeavoured to recover possession, both by persuasion and force: there was a short scuffle, and shots were fired: the balls passed near the gentlemen in the cabin, though they were not injured. Remonstrance being useless, they surrendered, and with the soldiers now recalled from the rock, were sent on shore: thus, although the military and civil officers were nearly equal in number, the mutineers accomplished their purpose without loss of life. They sent next day a quantity of provisions, small in amount, but, considering the voyage before them, more than such men could have been expected to spare. The soldiers, gratified by their fairness, forgot their own position in sympathy for the liberated men, and gave them cheers and good wishes. On the morning after, the wind became fair, and a light breeze carried them beyond danger.

When the mutineers had gained possession of the ship, John Barker, a mariner, was chosen captain: he could take an observation, and direct a ship's course; his mate was John Fair, and several others were sailors. By carrying too much canvas they strained the vessel, which required their constant efforts at the pump. They proposed to run to

Valdavia, South America: they suffered from a gale of wind of nine days duration, which they weathered with great difficulty, and saw land on the 26th of February, having been six weeks on their passage. They resolved to abandon the brig: they had three carpenters on board, by whom the launch was decked and rigged, and they left the *Frederick* with her channel plates under water. Having landed, they discovered an Indian ploughing with a wooden share: from him they could not obtain supplies; they, however, found that they were in the neighbourhood of Valdavia, and soon approached the battery of that port, and were humanely received by the inhabitants. On examination they declared the entire facts of their escape, and were allowed to reside under promises of protection. They appealed to the officials as *patriots*, and implored them to take their lives rather than to restore them to the British. A few months after, H.M.S. *Blond*, Commodore Mason, excited their alarm; it however passed over: several married, and the governor and his lady honored the nuptials of the pirate captain with their presence. Shortly after, they were put under friendly arrest, Commodore Mason having applied for them, and made some preparations to seize them by force; sending an armed boat, which the Americans repelled. The second "governor" was not equally favorable, but was conciliated by the promise of Barker and three others to build him a boat: this accomplished, they seized her and absconded. The governor exasperated at the loss, and their perfidy—probably excited by his harsh treatment, and their constant apprehension of capture—arrested and delivered up their companions to the *Blond*; who were sent first to England, and then to Van Diemen's Land.

They were tried in 1837: one of their number raised an objection, which was referred to the English judges, and decided in their favor. The defence was very ingenious: admitting the vessel was taken, it had never been finished; it belonged to no port; it had received no name: it was canvas, rope, boarding, and trenails, put together shipwise—yet it was not a legal ship: the seizure might be theft, but not piracy! Upon the whole, the prisoners conducted themselves well: however criminal the escape, their kindness to the people they overpowered; their unusual unanimity, and prudent acknowledgment of their real circumstances; their appeal to the *patriots* for sympathy, and the ingenuity of their defence,—must be admitted as exhibiting qualities by no means despicable.

But never was the government more culpable, or the prisoners less so, than in the instance of the *Badger*, a vessel of twenty-five tons, freighted with provisions for the East Bay Neck military station (1833). She was a fast sailer, and well found, and in charge of a master mariner, a convict, and convict seamen. The escape was joined, and probably planned, by Darby, late a lieutenant in the royal navy, and present at the battle of Navarino: a man of small stature but great daring. On his passage to the colony he had been implicated in a plot to take the vessel, which was partly known to a notorious receiver on board,* who expected some favor by informing. The plotters intended to shut down the soldiers and officer, to run for the American coast, and there allow those who thought proper to land, or to attend the vessel to her destination. Darby declared that, buried on the shores of America, he had considerable treasure. On his arrival in Van Diemen's Land the affair on board was made known to the Governor, by whom Darby was told, that if ever he attempted to abscond, or to enlist others in the enterprise, he should suffer all the law could inflict. He was, however, placed at the signal station, and afterwards appointed to assist the water bailiff, and thus had always in view the means of escape! A convict clergyman, employed as tutor by a member of council, was the companion of his flight. The loss of this vessel exemplified the laxity of official oversight, where most required. No one could be surprised at the escape, which good men suffering in a good cause would have naturally ascribed to the favor of Providence.

SECTION XIV.

THE escapes of prisoners might be called romantic, could romance enter the province of crime. While the first fleet were at anchor off Teneriffe, John Powers slipped down into a boat attached to the *Alexander* transport. He boarded a foreign ship: his offer to enter as seaman was refused. He then landed beneath some insuperable rocks: assisted by the governor of the island, his retreat was soon found.

* Ikey Solomon.

Such was the first absconder. The determination to escape from New South Wales, induced the prisoners to listen to every project, and to commit their lives to boats of the most imperfect structure, in which they were usually lost. But Bryant, an expirée, his wife and two children, and seven convicts, escaped in a small fishing boat (1790). He had purchased a compass and quadrant, and obtained a chart of his intended course. They provided food for the voyage, and the boat was in excellent trim; they were met at Timor by the crew of the *Pandora*, sent to the southern seas to arrest the mutineers of the *Bounty*. Bryant professed to have suffered shipwreck: he was kindly received by the Dutch. He died at Batavia; also one of his children and two of his companions: the rest were afterwards seized, and conveyed to England, where the story of their sufferings excited the public compassion, and they were merely detained in Newgate for the unexpired term of their sentence.*

Their nautical intrepidity and their comparative success, inspirited future attempts. But the most celebrated project was concocted by Irish convicts, who proposed an overland passage to China! Of forty-four men and nine women absent, the greater part perished on this curious enterprise.† Some, after the absence of several weeks, re-appeared, exhausted with fatigue and hunger. The Governor, finding it impossible to prevent elopement by punishment, attempted to convince them by experience. He furnished some of the strongest with provisions, and appointed them conductors, that they might proceed as far as possible towards the desired land: they returned, only partially convinced that flight in that direction was hopeless.

The imagination of the prisoners pictured an elysium beyond the mountains. A seductive rumour long prevailed, that in the interior a community of white persons were living in primitive innocence; but many years elapsed, ere the notion obtained the consistence of a story. In 1833, an account was circulated in England, that white people were found several days journey from the north coast of New Holland, in a village enclosed by a wall to defend them from the natives. They spoke in Dutch, and stated that their ancestors, among whom were twelve females, came from a distant land; that their vessel was broken; that they travelled far towards the rising sun; that many died by fatigue, and the rest settled on that spot—a beautiful valley, on the

* *Collins's New South Wales.*

† *Ibid.*

borders of a lake. A full description of their habits and customs was given in the *Leeds Mercury*, but which can have no interest to such as disbelieve their existence.*

The *Young Lachlan*, a vessel the property of Capt. Howard, was seized at the Derwent, by sixteen prisoners (1819). The sails were bent; the rudder was on board: she was freighted and provisioned for a voyage to Port Jackson. She lay outside the cove, and was to drop down the river on the morrow. The four seamen were surprised, and shut down below: the darkness of the night and a strong wind favored their escape; passing the battery, unseen by the guard. At daybreak the pilot boat, with a party of the 48th regiment, gave chase: a sloop, the property of Mr. Birch, with another detachment, followed. The boat found the seamen on Brunè Island, but both vessels returned without any other success.

Arrived on the coast of Java, the robbers destroyed the vessel by fire. They then presented themselves to the authorities as shipwrecked mariners: their story was believed; but at length they were suspected of piracy, and imprisoned. Some of them confessed: all, except five, died at Batavia, to which place they were transmitted, and the survivors were conveyed to this colony by the *St. Michael*. The *Young Lachlan* not being on the high seas their offence was not piracy: they were therefore charged with stealing only. Their punishment was necessary, but who could forget their temptation?

One of the more common methods of elopement was to hide in the hold of a ship, often with the connivance of the sailors, until the vessel had cleared. Scarcely did a ship quit the coast during the first years of the colony, without discovering, mostly too soon for the culprits, their concealment. Sometimes, to stir them from their stowage, the vessel was

* Clarke, executed at Hobart Town (1835), and who for five years wandered among the natives of New South Wales, asserted he had seen an isolated colony of Malays, or some other nation, the remnant of a shipwreck, which had existed for ages on the borders of a lake in the far interior to the north of Sydney. This he affirmed to the last moment of his life. If reliance can be placed upon his testimony, the village he described is doubtless the same, and is yet to be discovered. "Clarke addressed the people from the scaffold, acknowledging his crimes, and imploring all who heard him to avoid the dissipated course, which had led him to so wretched and ignominious an end." Upon this execution Dr. Ross adds—"It is a matter of consolation that we have a pastor, possessed of the very peculiar—we had almost said tact—but we should rather say endowments, with which Mr. Bedford is gifted, for leading to repentance, and affording all possible consolation to the miserable beings in their last extremity."—*Courier*, August, 1835.

fumigated. Ships calling at Van Diemen's Land often delivered up absconders, found after they had weighed anchor.

When secreted runaways were enabled to avoid detection until the ship had advanced far on her voyage, they were conveyed to England, and usually surrendered to the authorities. A soldier, on looking down the hatchway of the *Dromedary*, when returning to England (1820), saw a spectre walking the deck below, who requested a glass of water: the soldier alarmed, made known the vision; and after a search, a stranger was pulled out from among the planks with which the vessel was laden. Having said "we," repeatedly, in speaking of his condition, the presence of another was suspected, and further search discovered his companion.*

Morgan, a Welshman, who concealed himself, was more fortunate: having made a considerable sum by his labor, which he was desirous of carrying home unbroken, he concealed himself in the hold of a vessel, and after a few days appeared on deck. He was carried to London, and handed to the police, when he coolly thanked the captain for his passage! He had satisfied the law before he ventured on his voyage.†

The penalties on merchantmen conveying prisoners in a clandestine manner, were sufficiently severe. The most remarkable was the instance of the *General Gates*, an American vessel, which carried off ten prisoner mechanics, and one free man;—a double violation of the local laws. The *Dromedary*, store ship, was instantly sent in pursuit, and captured the vessel at New Zealand. An action for twelve thousand pounds was instituted by the Governor, and awarded by the court (1820). The judge, in his address, dwelt chiefly on the ingratitude of the defendant, who, "being permitted to partake in a valuable fishery, had abused the hospitality of the country, and had gone into low public-houses to entice away their best workmen!" This, indeed, was the chief grievance, and occasioned the rigour of the pursuit and capture—a stretch of power, it was deemed proper to compromise.

It was made lawful to arrest any persons suspected of being illegally at large, and to detain them until they "proved otherwise;" the onus of proof resting with the person apprehended: indemnity was provided for those who

* *Cunningham's New South Wales.*

† *Gazette*, 1824.

did anything in furtherance of the act. In defence of these powers it was alleged, that tenacity of the forms of British freedom was unsuited to a state of society, where of the adults more than one half were prisoners; and to distinguish them was impossible. The government maintained that free persons, arrested in *bonâ fide* error, were bound to regard their consequent sufferings as a tribute to the welfare of the country; but considering the ungentle spirit and ruthless instruments of convict government, it was necessary to check these prerogatives with a considerable responsibility.

The arrest of Mackay, a free man, at Swan River, indicated the danger of undefined powers, and the boundless arrogance of office. He was seized by the commander of a vessel and delivered to the *Phoenix* hulk, New South Wales, where, loaded with irons of unusual weight, his clothing branded, he was confined with prisoners destined for a penal settlement. Having been brought up by a writ from the judges, he was *discharged*, and *retaken*: again the court interfered, and the man—never known as a prisoner, against whom nothing but a general suspicion existed; who had been torn away from a distant colony, and exposed to the contemptuous treatment of those through whose hands he passed—owed his final liberation to the interference of an advocate, and the firmness of the judges. He obtained £200 damages, against which the government appealed, unsuccessfully, as excessive!

Absconding has been punished with various degrees of severity. By the first governors it was held a venial offence: before the law provided any specific penalty, it was usually flogging or a penal settlement. A capital respite was, however, sent to Port Macquarie: within three months he absconded, with several companions, and started to reach Timor: on his re-capture, he was executed without further trial (1823).*

A colonial law, of 1827, made it capital to escape from a penal settlement. It was intended to prevent a recurrence of those evils which resulted from the Macquarie

* James Hawkins, a celebrated pugilist and pickpocket, was not less remarkable for his escapes. He was transported to Hobart Town, where he found several persons who invited him to become a bushranger: he refused, and devoted all his efforts to escape. In this he succeeded: soon re-transported for life, again he stowed himself on board a vessel, and returned to Weyhill, and was again transported. On his way to the hulks he once more got off his irons, but was secured (1820). In gaol he was orderly and quiet, and refused all enterprises which might have compromised his life.

Harbour elopements. That it intimidated a single person, to whom the chance of escape was presented, is extremely doubtful: that it rendered their efforts more desperate, and their course more sanguinary, is far more probable. No one will contend for the right of a prisoner to burst the bonds imposed by a sentence, yet will it never appear to justify the sacrifice of life. Such laws are useless: they outrage the common sentiments of mankind—more criminal than the offences they intend to prevent: they belong to what Lord Bacon stigmatised as “the rubrics of blood.”

Their extreme diffidence of each other, has rendered the combined opposition of prisoners impossible. A guard of two or three soldiers is sufficient to intimidate hundreds, and to prevent an open effort to escape. The sentinels have, generally, displayed forbearance and consideration—the honorable characteristics of the British soldier.

Governor Arthur recommended a declaratory statute, to subdue any doubts respecting their right to shoot absconders, which seemed common among the military. That right had never been called in question; and in two instances only, during fourteen years, was it exercised in this country. The sense of responsibility is a healthy emotion: promptitude in taking the life of a runaway, however tolerated or authorised by law, could never be remembered by a soldier but as an odious execution.*

The piratical seizure of vessels lately, has not been common: escape is easy in other forms. The elopement of individuals has been attended with no great perils, since the establishment of the surrounding colonies. Craft of small burden have been sometimes taken, and at the close of the voyage dismissed. Prisoners have passed as merchandise, or boldly submitting to examination, have been lost in the crowd of emigrants. A contrivance was recently discovered, by the fatal consequences which followed it: a woman was enclosed by her husband in a case, and on arriving at Port Phillip was found dead.

These instances comprehend most of those forms of escape which are found in the colonial annals. They prove how powerful the passion for liberty, with which, when united to common intelligence, the threats of legal vengeance, or the vigilance of official guards, cannot cope. The same instinct, however, which induces men to break their bonds, restrains

* *Par. Papers.*

many more from transgression, and is a powerful auxiliary to the laws.

SECTION XV.

THE principles of penal government recognised in the times of Governor Arthur, may be best ascertained from his despatches and orders, and from the writings of Dr. Ross, who, if not directly assisted by Arthur, was inspired by his opinions. Whether those principles were practically applied, will be known by reference to other testimony. The deviations must not, however, be ascribed exclusively, either to the Governor's connivance, or to the intrinsic defect of his system. He could not act alone, and the agents he employed were sometimes incapable, and sometimes corrupt. In his own writings, he repeatedly alludes to the gradual approximation to what he deemed perfection of detail: it cost him the labor of years.

The estimate he formed, philanthropists are slow to entertain: one-third of those who arrived in these colonies, he rated incorrigible; the rest, chiefly affected by the prospect of reward or the dread of punishment, and indifferent to abstract good. In tracing crimes to their causes he largely ascribes them to poverty, and the pressure of classes on each other. He enunciated a novel view of the mental character of criminals—that they were subjects of *delirium*; that they saw every object through a false medium; and that no treatment could be successful which did not restrain them by an enlightened rigour. This view, given in a code of rules* for the management of road parties, was attributed to the reasonings of a medical member of his government: the notion it embodies, he himself ascribed to long experience in the management of prisoners. His observation supplied the facts; his councillor, perhaps, constructed the system.

* "It can scarcely be doubted, that the main body of convicts are under mental delirium—they see and appreciate every thing through a false medium; and as, from long experience and close observation, the Lieutenant-Governor is confident that a firm and determined, but mild and consistent supervision, is the very best to be followed, in order to remove the infirmity under which they labor, it is the treatment he enjoins shall be uniformly observed!"—*Regulations issued to the Roads' Department.*

He believed that to remove the opportunities of crime, was the only successful method of general prevention; that to keep the convicts quiet, to withdraw all external excitement was essential to successful treatment of their mental malady. He compared the ordinary offender to a steed untrained: very impatient of the curb and rein. The discipline of the government, either by its own officers or the master, he likened to a *breaking in*. Under the first application of the bridle, more facile tempers became at once submissive and docile; or if not—if the man threw the master—then came the government with heavier burdens and more painful restraint: he was caught, and resistance was borne down. The milder servitude, being unsuccessful, then came magisterial admonition; then the lash; then sequestration on the roads; then irons; then the penal settlement—with its stern aspect, its ponderous labor, and prompt torture; in which mercy wrought through terror and pain, and hope itself was attired in lighter chains.

Arthur alleged that his system was inductive: reared upon a foundation of facts, its classification was self-constituted: every step in the several gradations of a prisoner's punishment was the result of his own will; the first, by his crime against English society, the residue by his misconduct in servitude. It was in his power, when delivered to his master, to work out his own liberty, without knowing again the frown of a magistrate, or the darkness of a dungeon: it was in his choice to delay deliverance until death. Thus the distribution and separation vainly attempted by a direct management of government, was better done by the prisoners themselves: they determined their own merit by their actual position, where they awaited pardon and liberty, or gradual descent to despair.

Arthur watched with great diligence the operation of his system. The character of most masters was known: they were bound to make annual returns of the number and conduct of their men. Their recommendation was required to procure the prisoner's indulgence: his police character was drawn out in form—the parliamentary papers shew into what minute particulars those documents entered; even an admonition of the magistrates was noted, and made part of the case. *Black* and *white* books were kept, in which meritorious actions and the reverse were recorded. The term of preparatory servitude was four, six, or eight years—as the sentence was for seven, fourteen years, or life; then a ticket-of-leave allowed the prisoner to find his own employ, to enjoy

his own earnings; subject to the surveillance of the police, and to a forfeiture for breach of its regulations.

Arthur described the police as the pivot of his system: it comprehended surveillance and detection. The establishment of district courts, in which a paid magistrate resided, was an essential element of its success. The masters had a correctional authority at hand: a few miles, often a few minutes, brought them within the police court, and the punishment ordered followed the offence by a very short interval. The police constables, mostly prisoners of the crown, were selected from each ship to assist the recognition of their fellow prisoners, and they were rewarded for every runaway they arrested. They often shortened their own sentence by procuring the conviction of others; often, too, they obtained considerable sums, and even instant liberty, by the discovery of an outlaw. They were acute, expert, and, we are told by Arthur, vigilant beyond all men he ever knew. They were objects of fear and detestation.

The strong will of the prisoners thus encountered opposition on every hand. They were hedged round with restrictions; they were at the mercy of the magistrate, and subject to the lash, for offences which language is not sufficiently copious to distinguish with nicety.* Their unsupported accusations recoiled on themselves. They were entitled to complain, but the evidence they could generally command, was heard with natural suspicion. So well did they understand the hopelessness of contest, that they rarely replied, where a defence sometimes aggravated their punishment.

The convict was subject to the caprice of all his master's household: he was liable every moment to be accused, and punished.† Unknown, without money, he had no protector or advocate: one magistrate could authorise fifty lashes; one hundred could be inflicted by the concurrence of a second. It was asserted by Arthur, that the statement of their liabilities produced an expression of dismay in the countenances of convicts newly arrived. The indefinite character of these offences; the boundless discretion of the magistrate; the influence of the master; the presumption always against the accused; the dreadful nature of several of the punishments—doubtless created in many the recklessness of defiance and despair. A prisoner's sentence might be

* "Absconding, insubordination, drunkenness, indecent conduct, neglect or wilful mismanagement of work, neglect of duty, indecent or abusive language, swearing, insolence, or other disorderly conduct."

† Arthur.

extended one or three years; he might be doomed to a penal settlement and chains. Nor could he liberate himself from his servitude: he came back from the triangles or road party, and stood at his master's door.

The determined resistance of change, except for punishment; the indissoluble tie of men to masters—was one part of Arthur's plan. The knowledge that submission was the only chance of happiness, caused many to yield to their destiny without a struggle; and where masters were humane, the connection lasted, without murmuring or oppression, until the close; but with many more, it was a period of misery, mental and bodily—the fierce passions breaking into open war, and seeking nothing but revenge or freedom. The rolls of the muster-master exhibit curious instances of this long struggle: there are several now before the writer, in which punishments succeed each other with a frequency so terrible, that the mind is only relieved by the belief that sensibility is destroyed by incurable misery.

Governor Arthur addressed a despatch, on "secondary punishments," to Viscount Goderich, intended to answer the report of the select committee of 1832. He thought the witnesses were not conversant with the state of the prisoners—a fact not surprising, since even the effect of English penitentiaries was debated under their very walls. The gentle system of Governor Macquarie was a tradition among the criminal population of Great Britain; but in this country, colonised at a later date, and by settlers of a higher class, the advantages of the convict were small, and his control more complete. Arthur thus delineated the condition of the assigned servant: deprived of indulgence, living in the interior, employed in clearing and cultivating forest land, allowed no wages; idleness, even looks betraying an insurgent spirit, exposing him to the chain gang or the triangle; deprived of liberty, subject to the caprice of a family, and to the most summary laws. He was a slave, except that his master was not trusted with the lash, and his claim for service terminable. True, he was well fed, while many in England labored hard, and yet were hungry and poor; but nothing reconciled the prisoner to bondage: he compared his condition not with the British pauper, but theirs who, though working in the same field, were masters of their own labor. He asserted that the bravado of persons, who affected indifference when ordered for Macquarie Harbour, was fully answered by the murderers who, to enjoy a momentary escape, ventured their lives; by the desperate

efforts of many to conceal themselves in vessels, deprived of food for days, and tortured until their limbs mortified; by the despair of many rioters who arrived in the *Eliza*, who, dejected and stupified by grief, soon drooped and died. He maintained that transportation, though not absolutely successful, was to be preferred, as frequently most dreaded, reformatory, and final.

He maintained, that the current reports respecting transportation deserved no credence, and were unsafe as foundations of public policy. Often, from the most selfish motives, the most delusive statements had been forwarded by prisoners. He instanced a woman from Liverpool, who arrived with her four children, allured by the representation of her husband, and sent out by the charity of his prosecutors; and who had informed her that, beside £60 per annum, he was lodged and fed for his labor. In this case, however, the man wrote falsely; but at that moment there were many who might have made the statement with truth.

In the despatches of Governor Arthur there is much acute observation and just inference. He had actually lessened abuses, until they became not very common or very flagrant: by collecting men in the employ of government under a more rigid system of superintendence, he had curtailed their indulgence, and made their condition more irksome. But it is well known to every colonist, that throughout his administration some prisoners were favored with greater liberty than others; that they accumulated property, and had at command whatever money could buy. He often, with a discretion both wise and humane, mitigated the severity of a sentence and alleviated the domestic desolation of a wife, by granting some indulgence to her husband. It is told to his credit as a man, although it does not add to the weight of his despatches.

The enunciation of principles was not common in the writings of Governor Arthur; he, however, states his view of the objects contemplated by punishment. He held that the severity of a penalty was to be measured by the operation of the crime on society,—or the views taken by legislators of its effect. Unhappily, this theory overlooks the fact, that penalties are usually for the protection of classes, rather than communities. The severe laws against poaching have never been vindicated on the principles of equity or national right: they are the laws of an aristocracy, for the protection of its pleasures. The unlimited power over life and liberty claimed by this doctrine, would excuse the Spartan method of anti-

icipating crime. It is the old code of the opulent and powerful; but it is essentially unjust, fallacious, and therefore useless and wicked.* It is probable, however, that abstract opinions maintained but a slight influence on his actual policy, and that by his strong perception of the interest of society in the reform of the offender, he adopted many practical lessons of philanthropy.

Governor Arthur was directed by the Secretary of State to assign the prisoners employed on public works: such as were unfit for the service of settlers to form into gangs, and employ on stations distant from the towns. Lord Goderich had come to the conclusion that the service of government was rather courted than dreaded by the prisoners. This plan was skilfully resisted by Arthur: he admitted that constables and messengers were favorably situated. So great, however, were the hardships of those employed in public works, that his conscience was troubled, and only relieved by remembering that they were the worst of offenders; or, if better conducted, passed at length into the loan-gang—a condition as preferable to assignment, as was assignment to the service of the crown: thus balancing the advantages of their last against the severity of the first stage. He stated their assignment, so far from increasing the severity of punishment, their faults, and even crimes, would be covered by their masters, to preserve their labor; their earnings would place them beyond the condition of their class in Great Britain; and when their fortune should be known, they would never want for successors. But he appealed to a still more cogent argument. The expense of a convict mechanic to the crown, was one shilling per day; of a free artizan, seven to ten shillings: the difference would go to the workmen, to bribe their industry and gratify their vices. It was not, perhaps, known fully to Arthur, that at the moment he sealed his despatch, forty mechanics lodged in one ward, who earned not much less than £50 per week, by the leisure hours they enjoyed.† It was, however, true, that the inducement to pay large sums for occasional labor, arose from the difficulty of obtaining it: few mechanics were transported; so few, as to excite astonishment.‡

* Arthur's despatch to Lord Goderich.

† It was not uncommon for four in their number to consume one gallon of rum at a sitting. Incredible as this may appear, it stands upon indubitable testimony; and one of the witnesses, had he been classical, might have said—*Pars magna fuit*.

‡ Arthur's despatch to Lord Howick, 1832.

But however exact and successful transportation, in Governor Arthur's opinion, a variety of causes contributed to excite in England a powerful prejudice against it, and to lead the ministers to interfere with some of its details of great practical consequence. The gradual amelioration of the criminal code—a restriction of capital punishments, demanded by the humanity of the British public—was allowed by the ruling classes with doubt and grudging. Some conspicuous cases confirmed their predilection in favor of the scaffold. What punishment, they asked, would transportation have proved to Fontleroy, who from the spoil of his extensive forgeries, might have reserved an ample fortune? It was reported, and not untruly, that many had carried to the penal colonies the profit of their crime; that the wife had been assigned to the nominal service of her husband; or, still more preposterous, the husband committed to the control of the wife—and were enabled at once to invest their capital in whatever form might promise success.

Several volumes issued in succession from the British press, full of highly colored sketches of colonial life; in which the advantages possessed by many emancipists, the splendour of their equipage, and the luxurious profligacy of their lives, were exhibited as the larger prizes of a fruitful lottery. Among these works, the most popular, that of Cunningham, professed to delineate the sentiments of the prisoners, from which it might be inferred that few conditions of human life offered so many chances of gaiety and prosperity.*

* "Several went out with me on these very terms: and among them one merry youth of two-and-twenty, whose father had been transported when he was a child. His elder brother followed the fortunes of his father by special invitation. On our arrival the elder brother came alongside, and introduced the younger brother and father (who, of course, were strangers to each other). 'When may we expect Jem P' was the question put shortly after the preliminary congratulations."—*Two Years, &c.*, vol. ii. p. 259.

"I shall conclude this subject with a short anecdote, which fully illustrates how little a convict cares for transportation, or rather how much he prefers it. A gentleman, who came home passenger in the same vessel with myself, brought with him a convict as a domestic. I asked him what were his future plans? He replied, that he meant to go and see his mother, if she was alive; but if she was dead, he, to use his own words, would 'frisk a crib,' (*Anglice*—rob a shop) or do something to lag him for seven years again, as he was perfectly aware that he could not work hard enough to get his living in England."—*Widowson's present state of V. D. Land*, 1829. p. 65.

"In order to show the opinions entertained by some of the convicts, as regards the colony, I will give an extract from one of the sundry letters which I have read, written by them to their friends in England, using the writer's own language and punctuation, but altering the spelling. He requests that his wife will come out, and bring their children with her, and then proceeds as follows:

About the same period, Edward Gibbon Wakefield, of a talented family, and afterwards distinguished by his connection with colonisation, was imprisoned in Newgate for the abduction of Miss Turner. During three years' residence he professes to have devoted great attention to the subject of transportation. Few sessions passed but some prisoner, formerly transported, appeared under a second charge. In conversing upon their prospects, they described the country of their former exile in terms of high eulogy. It was the opinion of Wakefield that, as a punishment, it had no influence in preventing crime. The evidence of several settlers from New South Wales was of the same character; and M'Queen, a member of parliament, long resident in that country, stated that he had been often asked what offence would be sufficient to ensure transportation.* The letters received from the prisoners, recorded their good fortune, and were read by their former acquaintances. They were filled with exaggerations, dictated by vanity or affection; and seemed to convey an impression that, of their families, they only were fortunate.

A colonist is certainly not entitled to deny, that many strong cases of perversion occurred; but, except the superiority of diet, and the high value of labor common to new countries when they prosper at all, the descriptions given were mostly illusive and mistaken. The extreme misery and

'I am perfectly well satisfied with my situation thanks be to God that has placed me under those that does not despise a prisoner. No, my love, I am (not?) treated as a prisoner but as a free man, there is no one to say a wrong word to me. I have good usage, plenty of good meat, and clothes with easy work. I have 362 sheep to mind, either of our lads could do it with ease. The best of men was shepherds. Jacob served for his wife, yea and for a wife did he keep sheep and so will I, and my love we shall be more happy here than ever we should be at home if happiness is to be found on the earth. Don't fail to come out I never thought this country what I have found it. I did expect to be in servile bondage and to be badly used but I am better off this day than half the people in England, and I would not go back to England if any one would pay my passage. England has the name of a free country and this is a bond country, but shame my friends and countrymen where is your boasted freedom. Look round you, on every side there is distress, rags, want, and all are in one sorrowful state of want. Happiness and prosperity has long taken their flight from Albion's once happy isle.' He then alludes to the low price of provisions, and adds—'Except you live in a town you have no rent to pay, for each builds his own house, no tithes, no poor-rates, and no taxes of any kind. And this is bondage is it?' There are some other amusing remarks in this original composition, but the above will suffice to show that convicts lead not always the unhappy life they are supposed to do, unless through their own bad conduct. The writer of the above letter bears such an excellent character that his master has sent to England for his wife and family, with the intention of trying to be of some use to them."—*Breton's New South Wales*, p. 281.

* Potter M'Queen's evidence before the Commons, 1831.

degradation endured by many, and to which all were liable, rendered the ordinary condition of prisoners one which could not have been desired, except by the most wretched of the people.

New South Wales was regarded, by the laughing portion of the British public, as a perpetual beggar's opera. One eminent writer said, that the people of these colonies attracted attention only from the curiosity they excited: mankind were amused to know what form would be assumed by a community, composed of men who narrowly escaped the executioner. By another they were compared to an old fashioned infant, which had all the vices and deformity of a corrupt constitution and precocious passions. The exhibition of a panorama of Sydney in the metropolis of England, attracted large crowds. It was hardly possible to exaggerate the charms of its scenery, when clothed in the radiant verdure of the spring; but the dwellings were drawn, not only in their just proportions, but with all the grace of the pencil—cabins looked like bowers. The poet, Campbell, struck with the glowing harmony, exclaimed, how delightful to the London thief—beneath the clear sky and amidst the magnificent forests of Australia,

“Where Sydney Cove its lucid bosom swells”—

to shake the hand he once encountered in the same pocket at Covent Garden theatre! It is thus, too often, that substantial interests are sacrificed to humour. No one, acquainted with the minds of prisoners, can imagine that the purest atmosphere, or most exhilarating prospect, would be half so attractive to a veteran robber, as the murky cellars of the “London Shades.”

The writings of Archbishop Whately tended to the same result. Against the principles of transportation he entered an earnest protest, not only as defeating the primary objects of a penalty, but as constituting a community charged with the elements of future mischief. He reasoned in his closet, and formed his conclusions from a process of investigation which was not complete: he overlooked some facts which tended largely to neutralise the evil, and that suppress or defeat propensities which thrive in Europe. He made many senatorial converts, and those he did not convince, in reference to his main proposition, were anxious to obviate his objections.

To meet, however, the views which prevailed, and which were strongly recommended by the parliamentary committee

of 1832, the government determined to increase the rigour of transportation. The effects of the French revolution, and the pressure of commercial distress, had produced a strong tendency to crime. In the agricultural districts of England riot and arson were prevalent: the utmost exertion of the laborer did not preserve his family from want. Depredations upon game, and other species of rural property, exasperated the legislative class. The hulks were crowded: it was proposed to establish a penitentiary at Dartmoor, long the site of a French prison, and employ the convicts in cutting granite for sale; but the discussions in parliament manifested the strong preference of the agricultural interests for a system of absolute banishment. It was observed by Peel, that the detention of prisoners exposed the government to endless annoyance, and before half their time was expired the solicitation of their friends often procured a remission.

Pending these enquiries, a rumour reached the colony that transportation was abolished. The papers broke out in the language of wailing and woe: the *Courier*, especially, gave utterance to the most passionate grief. The editor described the melancholy visage of the settlers, and the different expressions of vexation and disappointment which he heard around him. One declaiming against the perfidy of government, and another delineating the ruin involved in the fatal resolution. Some threatening to leave the country ruled by covenant breakers, who, in the spirit of reckless experiment, were not only demolishing the finest imaginable system of penal discipline, but sacrificing the fortunes of colonists, who had emigrated in the confidence that convicts would follow them in an uninterrupted stream.* These apprehensions were but temporary. The strong representations of Governor Arthur, and the extreme difficulty of change, secured a further trial under new conditions.

Lord Melbourne held a consultation with Mr. Stanley. He suggested that the increase of crime had arisen partly from ignorance of the actual consequences of transportation. He requested him to reflect upon this topic, and to determine whether it might not be proper to send transgressors through a more rigorous discipline on their landing, and to stop the comparative ease and comfort it was customary to enjoy.† Mr. Stanley undertook to contrive a scheme, which should terminate the indifference with which banishment was regarded. He had said that he would render the punishment

* *Courier*, 1831.

† May 20th, 1833.

of transportation more dreaded than death itself. At his suggestion Lord Melbourne addressed a letter to the judges, and requested them, when on their circuits, to explain the extent of torment which banishment included; to select such as they might deem it proper to separate to a more terrific form of punishment; and to declare, in a public manner, the degree of severity which would follow a particular sentence.

It was determined that the more hardened should be confined at Norfolk Island or Macquarie Harbour; and that no prisoner for life should be withdrawn from a penal settlement, until seven years of his sentence was passed, or until one-third of a shorter period was completed. Then drafted to the roads: after wearing chains a further five years, he might be assigned to a master, and commence his probation. The less guilty were to join the road party at once, and in seven years be liberated from their chains. Mr. Stanley forwarded sixteen persons in the *Southwell*, whom he directed should be kept in chains for the first seven years of their bondage. He thus established the system, distinguished as the "certain and severe" in the orders of government; and for several years described by the journals, as the "worse than death" system of Mr. Secretary Stanley.*

The object of Stanley was to invest transportation with novel terrors, and to give a more tragic aspect to the law. He did not, however, reflect, that he who has destroyed hope has also made the despairing worthless; that the victim will have recourse to violence or insensibility—that when he cannot rupture he will hug his bonds. He did not perceive that no Englishman would accept the service of a felon, who for twelve years had experienced the misery of chains—that it was not as prisoners, but as husbandmen, that the poachers and rioters of England were acceptable to the Australian farmer; who was reconciled to penal slavery, only when disguised under semi-patriarchal forms.

The change proposed by Stanley was greatly disliked by Arthur. It was the reverse of his system. Whatever influences were brought into action by agricultural service, would be lost in a gang. He foresaw the despondency, the oppression of the prisoners, and the gradual alienation of the colonists. Arthur referred Stanley's despatch to the executive council, with his own rejoinder. His system of twelve years

* Stanley's despatch, August, 1833.

bondage and chains was unanimously reprobated: the council concurred in the opinion of the Governor, that it would break up the gradations of punishment; and unless sustained by a large reinforcement of military, endanger the public safety and produce habits of outrage and revenge.* Whatever influence these representations possessed, the plan was abandoned of necessity. The chief justice of New South Wales advised the Governor that the law had not authorised the arbitrary addition of chains to a sentence of transportation—to increase the misery, not to add to the safe keeping of the prisoners. Such, on reference, was the opinion of the English legal authorities, and the men in irons were released.†

Whatever the motives of Lord Stanley, the transmission of such an order, without ascertaining the authority under which it was issued, was a serious official error. It is probable, that the persons injured had no means of appeal, and deserved no redress; but when it is remembered, that the law does not profess to determine the moral enormity of an offence by the extent of punishment, to aggravate a penalty which the legislators deemed equal to the crime—avowedly to make it more terrible than death itself—was a stretch of official power, which can scarcely be explained.

St. Paul denounced the judge who smote contrary to the law. Mr. Stanley's encroachment on the functions of legislation was only more defensible because less corrupt. To repress colonial disorders, the local government had, indeed, grafted the penalties he prescribed on the colonial statute book; but the despotic interference of a secretary of state was specially objectionable. Persons sentenced to transportation for political or agrarian crimes, were not unlikely to provoke the personal hatred of ministers, and therefore to suffer a vengeance beyond the intention of the judges, or the spirit of the laws.

To render corruption more difficult, the power of the governors was limited by statute. They had granted tickets-of-leave for the discovery of outlaws, the detection of serious crimes, and any service of great public utility. They had been often swayed by feelings of humanity in hastening the liberation of men, whose families required their care; but an Act "for abolishing the punishment of death in certain cases,"‡ not only fixed the time when prisoners should be capable of tickets-of-leave, but abstracted the chief advan-

* February 3rd, 1834.

† *Par. Pap.*: Forbes's evidence.

‡ 2 & 3 9th Will. iv. cap. 42.

tages a ticket conferred. They were excluded from the protection of civil laws, and thus thrown on the mercy of any who might employ them. These clauses were introduced by Lord Wynford (Sergeant Best), and were intended to equalise the punishment of offenders, and to prevent an early enjoyment of plunder. This restriction was, however, practically unjust. The grant of a ticket-of-leave was to enable a man to procure a livelihood : to deprive him of legal resource, was to invite the swindler and the cheat to make his earnings and acquisitions their prey. The local courts had hitherto resisted the injustice by evasion : a record of conviction being required to stay a civil action ; although in the criminal courts it was sufficient to prove that the person accused had been dealt with as a transported offender.

Lord Wynford's Act made no such distinction. Its provision, probably the result of inadvertence, was so palpably a contradiction, that it was never acted upon in Van Diemen's Land, and was earnestly deprecated by all classes. To grant a prisoner liberty to seek subsistence, and yet suffer any fraudulent person to deprive him of his just wages, could arise only from that confusion of ideas, too common in legislation on the subject.

SECTION XVI.

THE treatment and disposal of mechanics, craftsmen, and the educated, or " specials," disturbed the equal operation of the laws.

The artizan, when not adapted for public works, was placed in the loan gang, and lent from time to time, chiefly to the officers of government, or to such settlers as were deemed worthy official patronage. They were not authorised to claim wages, but their employers prompted their industry by its usual recompense. Their value as workmen often secured them an appearance which surpassed the common means of English artificers, or they expended their earnings during paroxysms of intemperance. The power to grant the assistance of skilled workmen, and the custom of the officers to borrow them for their own service, excited unceasing murmurs. Master tradesmen complained, that their callings were followed by captains and lieutenants, whose journey-

men were the prisoners of the crown, and who, beside the emoluments of office, engrossed the profits of smiths and carpenters—of tailors and shoemakers. Those settlers, excluded from participation in the *loan* labor, denounced the venal partiality of its distribution. Long lists were published of workmen allotted to the relatives and confidants of the Governor, to display his unwearied nepotism.

The educated prisoners occasioned still greater complaint. At an early period, many of the higher functionaries were utterly ignorant of accounts, and were glad to employ the abilities which transportation placed at their disposal. Curious anecdotes are told of the profits derived by this class of scribes, by the distribution of royal clemency: thus the indents were altered by a clerk, who charged £10 for reducing considerably the duration of a sentence.* At a later date, a prisoner offered by letter £15 for his conditional pardon. The bearer gave information of its contents to another convict in office, who offered to obtain the “royal mercy” for £10, and he did so.† The reliance frequently placed in the fidelity of their penmanship, sometimes modified the details of punishment.

From the report of a board appointed by Arthur, it appeared that sixty-six were employed in the various departments. The evidence is valuable, from the statements it contains respecting the condition and influence of this class. They were represented to be quick, intelligent men, and were preferred because more easily commanded—if not controlled. Their office hours usually terminating at 4 o'clock, they obtained considerable sums as book-keepers. All correspondence, except despatches to the British government, and communications with the judges, passed under their eye. They were employed in taking depositions, and received bribes for expediting indulgences. Their acquaintance with the probable demands of the commissariat, was a source of emolument: they sold information to the shopkeepers, and thus enhanced the price. Arthur professed to deplore the necessity of their employment; a practice which long survived his government.

It was, indeed, a mournful sight, to behold men of better hopes sink into habits of intemperance; and for a long series of years pass through a succession of punishments, often for trifling infractions of the penal code—to see them display the utmost facility in penmanship, and to hear at every

* Collins.

† *Mudie's Felony of New South Wales*, p. 27.

movement the rattle of chains. Yet these prodigal sons of many a desolated house, were not so much objects of compassion, as those whose peace they had blighted with an incurable affliction. No one could imagine how many families, distinguished for rank, benevolence, and piety—known at home as the fortunate and happy—had in these regions unhappy relations, whose fate must have cast dark shadows on their own. Many, however, protected their kindred from public dishonor by the change of their names: they not unfrequently were overtaken by crime and punishment, having long left the dwellings of their fathers, whose reputation they spared by artifice and silence.

The wives of prisoners, who once moved in the higher circles, often exhibited an example of complicated virtue. What they took from the misery of their husbands they added to their own; and even by their participation rendered more intense the mental anguish they came to remove. Delicately reared, familiar with the comforts of affluence, they resolutely abandoned all. No entreaty, maternal tears, or offers of support, could change the purpose of conscience and affection. They gathered up the fragments of their shivered fortunes to venture on a lonely voyage, and encounter a rough courtesy—generous, when not brutal; to solicit commiseration from the harsh delegates of a nation's vengeance, or the hucksters of its mercy. Sad lot! fraught with anguish, with terror, and trembling: every moment passed in fear of some new fetter—of some fresh official caprice, or sudden separation! Such scenes of mental and physical martyrdom have been often known to professional men, who enter the interior of life, and watch the operations of secret sorrow. The mould of Tasmania covers many a true-hearted woman, whose constancy and self devotion are registered on high; and which, in another sphere, might command the admiration of the world!

The colonial government interdicted the connection of prisoners with the press, which, however, was not prevented or punished, when loyal to the authorities. Their writings were commonly laudatory of the officials, even when most offensive to the colonists. They were not always the most trucculent and unprincipled; although the censorship of public morals and political measures was unsuited to their civil condition.

Among those thus employed was Savary, once an opulent sugar baker at Bristol, who in 1824 was convicted of forgery, and his life spared by an exercise of mercy then novel.

Happier far, had he died! He wrote for the press—on the right side. On the accusation of a colonist, his ticket-of-leave was withdrawn; but he was spared the usual penalty of banishment by the kindness of his patrons, who granted him another form of liberty. This man was followed by his wife; but on her arrival, her affection was seduced, or exhausted, and she returned to England. Savary attempted suicide, recovered, and again fell into crime: he was tried by Judge Montague, convicted of a colonial forgery, and afterwards died at Port Arthur—an awful instance of the effects of transgression; and of the proneness of men to repeat a crime they have once committed.*

It having been resolved to abandon Macquarie Harbour (1832), the government fixed on Port Arthur, on the east coast, as the site of a settlement where the rigour of discipline might be preserved. This district is situated on a peninsula within a peninsula, and contains about 100,000 acres of woodland—barren, but not repulsive. A neck of 450 yards broad, divides Tasman's and Forrestier's Peninsulas: there lamps are set on posts, to which fierce dogs are chained; and to close the passage by the shore, when opened by the recession of the tide, others are kennelled on a floating platform. Sentinels, guard-boats, and telegraphs, are the precautions employed to prevent escape; which few have attempted, and fewer still accomplished.

The first commandant was Surgeon John Russell; an office subsequently confided to Captain O'Hara Booth, a gentleman whose administration has been the subject of great eulogy. A minute code of government regulations defined the duties of all on the station. Hither all convicted of colonial crimes, or of more serious misconduct as assigned servants or in the road gangs, or who were separated to more than ordinary punishment by the secretary of state, or of the educated class, were sent. The degrees of punishment were, however, varied; and the more severe was exhausting and dangerous. The carrying gang, with a massive balk on the shoulders, resembled a huge centipede. The laborers, sometimes thirty together, groaning beneath a weight of many tons, obtained no respite from toil. The slippery and inclining ground exposed them

* Savary wrote a novel, called *Quintus Servington*, 3 vols. It professes to detail his life: it sets out with a gypsy prophecy, delivered at his birth, which gave warning to his father that his son would be in danger between his thirtieth and fortieth year; but, passing that period, safely reach a happy old age!

to terrific perils : when they complained of inability to bear their burden, they were flogged, taken back, and compelled, by supernatural effort, to raise the load they had laid down. The numerous orders were enforced without momentary relaxation, and the scourge was the chief agent of control.

When the settlement was new, the men suffered from scurvy ; they were not, subsequently, unhealthy : diseases of the heart formed a large proportion of their maladies. Many instances of great hardship have been authenticated ; and several committed murder to be removed from misery by a public execution. The possession of a piece of tobacco was penal, and for this offence alone multitudes were flogged ; but its use was only limited by the supply : many men would have risked the rack, rather than rejected this valued indulgence. A wesleyan missionary was accustomed to reward his servant with the luxury, until he found that being distributed, others were involved in punishment. Visitors usually carried tobacco, which they dropped on the tramway by which they were conveyed ; and even when the prohibitions were most severely enforced, money would procure a supply.

The effect of Capt. Booth's administration was soon visible : the stoutest hearted gave way. Inexorably just, according to the system he represented, the accused might plead, but were never pardoned. The gentlemen convicts, clad in a prison dress, were employed in lighter labor and worked together ; but were transferred to more penal gangs, for the least disorder. It is said that the terrors of Port Arthur were preventive of crime ; that its rigour controlled and reformed, for the time, such as were sent there ; but, both by those who vindicated, and those who condemned its severity, it is admitted that relapses were usual ;* that it operated on the will by mechanical force, but debased the soul.

However heavy the hand of authority, it was not capricious. The overseers and constables were less brutal than at the road parties and previous penal stations. Compared with every other settlement of its class, Port Arthur, during Booth's management, was more humane because more equal and impartial. Constantly exhibited as a place of profound misery, it carried the vengeance of the law to the utmost limits of human endurance.

* Arthur's evidence : Murdoch's ditto.

It would be improper to withhold the common testimony in favor of this officer, of whom the writer never heard a prisoner speak with reproach: he was detested only as the personification of unimpassioned severity. He gave all the weight of his example to promote the success of the missionary, and paid him respect in the sight of the prisoners. Time softens all things, and Captain Booth, on calm reflection, deserves to be remembered with respect, as an officer who took no pleasure in the sufferings he inflicted—who was as prompt to reward as to punish. A further detail is needless, and would add no new illustration of transportation.

The interest which Arthur took in the settlement which bears his name, may be inferred from his frequent visits, and the large promises which he offered in reference to its future prosperity. He thought seven thousand men might be sent there, to be detained six months on an average; and that the large consumption and expenditure would be repaid by the produce of their labor. From an early date, Port Arthur possessed the advantage of schools and ministerial attendance. A church, of handsome exterior, was erected.*

As the settlement improved, a tramway formed of hard wood, crossed a space of five miles, and thus connected the opposite bays. On this road, travellers were conveyed by human labor, a large proportion of the distance being, however, overcome by spontaneous locomotion.

The denizens of Port Arthur would furnish a curious collection of biography: the muster would be a living calendar. Among the more celebrated were, Ikey Solomon, the receiver, whom they made constable: the chartists—men, in whose fate millions have publicly expressed an interest. There was Collins, the mad sailor, who threw a stone at the last king; May, who murdered the Italian boy; and Cohen, a jew, who resigned himself to despair, and refusing sustenance, died: they now rest in the "*Isle de Mort*."

The establishment at Point Puer was intended to reclaim and control, rather than to punish, the unfortunate youth submitted to its discipline. Until a very late period, boys had been transmitted to the colonies in company with the men, and were treated without much discrimination: some at an age to understand crime only as a trick, or to deserve

* While its foundation was digging, a murder was committed in the trench, and when its roof was covered, the plumber moulded dollars from lead, the property of government.

ought except pity and correction. Thus at Preston, a child, only seven years old, was transported for life. A boy, three years older, perhaps the same, called by his fellow prisoners, "King John," after three years imprisonment, arrived in this colony (1829) with sixty other lads; of whom, on their embarkation, not one in twenty could repeat the Lord's prayer.* It was stated by a Lord Mayor of London, that nothing could be kinder than to transport juvenile offenders to a country where their labor would be useful and their prosperity sure. It may be presumed, that in this spirit a girl and two boys were committed to take their trial for stealing some wood, valued at twopence, the property of the crown.† These acts of severity forcibly contrast with the happier fortunes of other classes. It is said of George III., that he arrested two Eton boys in the act of poaching: they took him for a keeper, and offered their pocket-money as a bribe. He threatened to inform their master; but next day sent them a present, requesting them to cease their depredations. They were peers when the monarch told the story, and he observed that they were most rigorous preservers of their game—"according to the old proverb, set a thief to catch a thief," said the king! A better authenticated anecdote was given by Lord Eldon, of his juvenile adventures; such as a rigorous magistrate might have turned to a very different account.‡ By what construction of equity the poor man's son, or the orphan, could deserve to be branded with an indelible stigma for no heavier crimes, it would be in vain to ask. Infractions of the law cannot be tolerated in any age, yet its administration has been often both partial and unmerciful.

Most of these young convicts had been first imprisoned a short period, and then turned on the world to obtain, by greater crimes, more lasting protection; or sometimes accused, but not convicted, they waited amidst moral pestilence the long delays of justice. A lad, fourteen years of age, was charged with stealing a hat: twelve months after, he was acquitted. What wonder that, dismissed a hardened cri-

* This child, when asked his age by the superintendent, answered, "I was so young when I was born, that I cannot tell."

† *Spectator*, Sept. 21, 1833.

‡ "I do not know how it was, but we always considered robbing an orchard an honorable exploit. I remember once being carried before a magistrate: there were three of us. The magistrate acted upon what, I think, was rather curious law: he fined our fathers each 30s. for our offence. We were very good boys, indeed. I believe, we never did anything worse than a robbery."—*Lord Eldon; Life, by Horace Twiss.*

minal, he returned to be transported for life.* Such was the education of many, who might fairly adopt the language of Howard to the German emperor—"It is not in the power of your majesty to make reparation for the injury they have suffered." No subsequent care could atone for the long slumber of protective justice.

It is refreshing to find that kindness and coercion were united in the discipline of Point Puer: an oasis in the desert of penal government—unless viewed from the woolsack. Captain Booth was prompt in subduing rebellion and enforcing industry: the meals were regular, and habits of devotion and cleanliness were promoted. But when the boys were submissive and diligent, they were not forbidden to be happy: they were made tailors, shoemakers, carpenters, boat-builders, masons, and gardeners. Some became acceptable apprentices, were lost sight of as prisoners, and are now known only as respectable men. Such boys, however, were protected from contamination, from the moment of conviction. Those who mingled indiscriminately with the prisoners, surpassed them in mischief and wickedness. When landed they were placed in the barracks: some, not more than ten years old, blended the trickery of boyhood with the villainy of age, and had scarcely arrived a week, before they were tied up to the triangles and punished with the cat. Lord John Russell, yielding to humane suggestions, collected a cargo of juveniles from the various prisons, and appointed a surgeon-superintendent, who never lost sight of their moral welfare. The care was not unavailing: Captain Booth reported that a large proportion passed through his hands without incurring even magisterial correction, notwithstanding the most trivial disorders were punished. The reformation of adults may admit of scepticism, and be tolerated as a topic of ridicule: but children, taught to steal earlier than to speak; who received the first lessons of crime on the lap of a mother; who never heard of God, but from the lips of blasphemers—or of right, but as the fair distribution of spoil, were surely entitled to compassion. The sympathies of man cast penal science to the winds, and scorn to preserve the inexorable temper of legal vengeance, to save the rich from peculation, by the moral immolation of infant robbers. They are orphans cast upon a nation's mercy; for though nature gave them the claims of children, she did not secure them an interest in a parent's heart.

* *Prison Discipline Society's Report*, 1827.

SECTION XVII.

THE views of the ministers respecting the severity of punishment, rendered the discipline more stern.* The subordinate agents of government received instructions to enforce an amount of labor from the prisoners employed upon the roads, which was measured without much regard to their previous habits, dexterity, or strength.

Nottman, to whose management several gangs were committed, was a person of unflinching temper—rigorous and

* " *Colonial Secretary's Office, 14th February, 1833.*

" His Majesty's government having been pleased to enjoin the strictest fulfilment of the law upon all convicts sent to this colony, and that their punishment should be *certain and severe*, the Lieutenant-Governor directs the renewed attention of all public officers connected with the convict department, to the instructions which have from time to time been issued on the subject.

" His Excellency is desirous especially to impress upon them the necessity of invariably exacting the due portion of daily labor from each convict, and of not permitting any remission or indulgence but such as have been previously and especially authorised.

" The orders prohibiting convicts employed on the roads and in the public works (including clerks, messengers, and persons of that description) from laboring, under any pretence, for private individuals, or to the advantage of those in charge of them, are at all times to be most perseveringly and carefully enforced, and to avoid any misconception in a matter deemed so important by his Majesty's government, the instructions are to be understood most peremptorily to forbid every species of indulgence beyond the food, clothing, bedding, and lodging authorised by regulations to every convict.

" A proportionate degree of restraint and watchfulness over all assigned convicts is equally essential. The object of their reform, as well as punishment, must never be lost sight of.

" His Excellency is sensible that this end could never have been so successfully attained as it has been, without the zealous co-operation of the colonists at large, who in conjunction with a due exaction of labor; have very generally insisted upon the observance of orderly and regular conduct.

" As it is through this good feeling on the part of the colonists generally, that the police has proved so efficient an auxiliary in the general control of the convict population, and as it would be unjust to allow the exceptions which may yet exist to affect the reputation of the colony at large, the government will still more firmly pursue the course of withdrawing assigned servants from all masters who neglect to regard cleanly, decent, and sober habits in and out of their huts, and a seasonable attention to moral and religious duties, as part of the compact under which the labor is placed at their disposal.

" The Lieutenant-Governor on this occasion feels it due to the general body of the settlers, to acknowledge his obligation to them for the cordial support he has received at their hands in the control and management of the convict population, with which no political differences have been permitted to interfere, and his Excellency does so with the more satisfaction, at this particular time, when the attention of the Imperial Parliament is so especially drawn to the consideration of the important subject of prison discipline, and when the state of things in the colony has placed the local government in a situation to contradict the unjust imputations which have been raised against transportation as a punishment.

" By his Excellency's command,

" J. BURNETT."

fearless. Once, when assailed upon the road, he clenched the robber by the throat, until he expired. He found a pleasure in hastening the operations entrusted to his oversight, and neglect of work was an offence which was never pardoned. It did not unfrequently happen, that a tailor, or other sedentary craftsman, was sentenced to the roads; but in breaking stones, there is an art, and while the dexterous could make every blow effective, the utmost toil of the novice left a deficiency in the task. To admit excuse, would have disturbed the calculations of labor, and the defaulter was delivered at once to the flogger; often, too, the implements, injured by use, rendered the fracture of stones more difficult: the issue of rations weekly, tempted the improvident to consume their food, so that the last days of the week were spent in exhaustion and hunger.* The slightest symptoms of insubordination were promptly visited; and in one party, 3,300 lashes were administered in one morning.

The overseers copied the rigour of their superiors, without their discrimination or sense of justice. It was not uncommon, though forbidden, for these men to strike down the prisoners who displeased them. Such violations of rule were punished when discovered: but men of weak minds bore in silence miseries they were afraid to resent. The government compelled to accept such agents as transportation yielded, employed persons of the vilest character, of which the following may be taken as a specimen: W. A——, a prisoner for life, forfeited his ticket-of-leave for keeping a house of ill-fame, and harbouring assigned servants. He applied for its restoration: this was opposed by the police magistrate, who recommended that he should serve as an overseer for three months on probation, as he had been notorious for keeping a bad house!† The incongruity of this employment with his character must have suggested itself to all except those familiar with similar appointments. Such as could command a bribe ameliorated their condition, while those who possessed no such resources, were selected to illustrate the vigilance and fidelity of the overseers. It requires no extensive acquaintance with mankind to perceive, that in such hands public justice was desecrated, and the weight of a sentence determined by causes which had no relation to the character or the crime.

* Backhouse and Walker's observations. This evil was corrected on their representation.

† *Par. Papers.*

The orders of Stanley were constantly criticised by the press, and from various motives were disliked by every section of the public. All who had been prisoners, naturally sympathised with the sufferers: those who were employers, reprobated a form of punishment which, without diminishing the application of the lash, abstracted from their farms a proportion of labour. A spirit of resistance was extensively propagated, and during the year following many sad instances occurred, in which an insurgent spirit was fatal. A young man, when employed on the public works, struck at Mr. Franks with his hammer: fortunately, the blow fell lightly; but he was tried and executed. A considerable number threw down their tools and retired to the bush, whither they were pursued and re-taken. One instance made a powerful impression on the public mind: a convict, named Greenwood, took from a fellow prisoner his shovel, which was better than his own. He was sent at once by the superintendent to the cells in charge of a fellow workman. In the spirit of reckless daring, he told his conductor that he could run away if he thought proper; the other replied—"no doubt of it." Thus, by a sudden impulse, in bravado or in terror of the lash, he sprang across the boundary, and threw up his hat as a signal of his flight. He appeared on the race ground, and was there discovered by the constables committing some act of petty robbery: he was pursued, drew a knife from his pocket, and wounded his captor. Being taken before a magistrate, both his absconding and his resistance were stated—the last a capital offence. To punish this man was, of course, the duty of those whose authority he had defied. As an absconder, he was sentenced to one hundred lashes, and told—in words the import of which has not been disputed, although the taunting tone attributed to the justice may possibly admit a question—that after his flogging he would be hanged! Ten days after, he was condemned to death: his execution was delayed a few more by a respite; but he went to the scaffold with his wounds unhealed! The treatment of this man called forth, and justified the strongest expressions of public indignation. True, it was within the letter of the law: either of the penalties inflicted, might have been vindicated or excused both by necessity and custom; but to torture a fellow creature shortly to make his defence against a charge affecting his life, and to send him to his last account whilst suffering the pangs of laceration, was inexpressibly revolting. Those who desired to disgrace the government, embraced the oppor-

tunity—perhaps with the eagerness of faction : pictures were exhibited of the unfortunate man, illustrative of his melancholy fate. Surely no argument can be found, in the calmest exercise of the understanding to extenuate an administration of the law, which distorted justice into cruelty.

Under circumstances far more consonant with reason, but scarcely less affecting when considered at large, was the execution of Samuel, a black man : he was transported for theft, from the Cape of Good Hope, and was remarkable for the quiet easiness of his disposition. For some violation of penal discipline he was ordered to be flogged : when approaching the triangle, he attacked one of the officers in attendance, who was slightly wounded ; for this he forfeited his life—justly, had England been just ; but what was his story ? With his mother and sister he was stolen from Mozambique, and thus became a slave : he robbed his masters, and thus became a criminal. His fate turns justice into mockery, and might make the Briton blush for his country. His execution, however, was not without utility : Dr. Ross, who for years had attended such scenes, then adopted the conviction that no resources of language, or varieties of incident, could invest them with interest, and he resolved to attend them no more. Here, too, the reader will be willing to abandon them. Since, they have often been repeated ; but happily society has adopted from reflection, what that gentle-hearted man, so powerful is habit, required years to learn—that the executioner is an officer far less useful, and the agent of a spirit far less just, than past ages have deemed.*

At parting, it is proper to pay the tribute of history to the

* “ The Rev. Dr. Bedford, in the course of his remarks, stated that his duty had imposed upon him the painful task of attending between three and four hundred executions, and that more than nineteen-twentieths of the unhappy men who had thus miserably perished, had been brought to this end by the effects of drunkenness.”—*Courier* ; Speech at a meeting of the first Temperance Society at Hobart Town, 1832.

“ It has fallen to our lot to be present at the executions of a large proportion of the malefactors who have suffered the extremity of the law in Hobart Town, and the apparent apathy with which the unhappy men met their fate, was always to us the most humiliating part of the spectacle. Their lips would utter with apparent sincerity the invocations prompted by the clergyman, but the heart, that should have given them expression, was too plainly wanting. They were empty sounds—the soul was gone. The main part of the executioner's duty was performed to his hand ; the kernel was already consumed. . . . They sung psalms, ate a hearty meal : they heard the summons of the sheriff ; their arms were pinioned ; the halter was put about their neck ; the cap was brought over their eyes, and they dropped into eternity with more indifference than the ox goes to the slaughter.”—*V. D. Land Annual* ; edited by Dr. Ross, 1833.

memory of Dogherty, the hangman—a functionary who surpassed greatly the common character of his order; and who, while he lived, contrived to evade the detestation of his calling. There was no amateur gaiety in his manner—no harshness in his speech. He accepted office when a prisoner, to enjoy the quiet quarters of the gaol and liberation from ordinary toil: he intended to resign it with his bondage, but the number of candidates for his place, it is said, reconciled his mind to its retention. Not in the spirit of menace, but defensive retort, he would promise those by whom he was jeered, his most delicate attentions in their last emergency. He was always willing to part with his provisions: to divide his sugar and tea with the necessitous, and to perform errands of kindness in their favor. No one could wield the lash with more mercy; and it is said that once, an offender, sentenced to a public flogging, received one stroke at starting, and the cart being driven by an associate, a second at stopping. His predecessor was a different character; and overcome with the misery of his condition, he committed murder, that he might escape from life! Dogherty passed through the town without fear of vengeance; although once, certain soldiers, his countrymen, injured him, and left scars which he carried to the grave. But what character is perfect? He was addicted to intemperance, and commonly spent the day succeeding an execution in drunkenness. The incredulous are assured, that this is not the language of fiction, but the character commonly ascribed in sober earnest to this unfortunate being.

The day will come, when the sacrifice of life, made with more hesitation, will cease to be a public spectacle; when, if it is deemed requisite to cut off from the earth the shedder of blood, the dreadful doom will cease to amuse the brutal, or to offer a momentary excitement to the unreflecting. Women will be no longer seen raising their children above the crowd, to enjoy the most humiliating sight that can meet the eyes of mortals. Let no one imagine, that men are effectually intimidated by attending public executions: as the fatal moment draws nigh, crowds are indeed seen rushing towards the spot; but they wear the lineaments of insensibility, intemperance, or habitual crime. It is not the guilt of the sufferer which extinguishes their pity: they would run to witness the murder of a saint. The utility of executions is left to the judgment of statesmen, but it cannot be wrong to detest them.

Thus far having delineated the broad features of the

system known as the "certain and severe," it will be proper to explain the changes which it ultimately produced in the practical working of transportation. Simultaneously, a new theory of colonisation was promulgated. Land ceased to be granted: the funds accumulated by its sale were available for emigration,—and thus to decrease the rate of wages, and to enable the government to dispense with the services of convicts as writers, overseers, and mechanics. To assist this project, it had been determined to levy a tax on prison labor; but the protest of the colonists and the remonstrance of Arthur, led to its abandonment. The despatch which explained his views, dwelt on the inconvenience, vexation, and loss, to which the settlers were subject. He informed the Secretary of State, that his lordship could not understand, except by experience, how much and how often the colonists were fretted by the misconduct of their servants, and despoiled by their peculation: however perfect the discipline established; although the roads were safe, and violence infrequent; though many prisoners were reformed and useful, still the existing social state was charged with every form of domestic annoyance and mortification. Trivial thefts were constantly passed over, because punishment was attended with greater loss. Thus, two hundred men arrive—they are distributed: their masters pay down money for their clothing; but before they reach their home, their clothes are destroyed or sold—or, perhaps, they are committed for felony to gaol. At first the settler repines, but his difficulties are inevitable: he is silent, because his trials have long lost the interest of novelty, and all around him are fellow-sufferers. The settlers who submitted to the impertinence and unwillingness of pickpockets, he thought certainly entitled to the benefit of their services without any other tax than might be levied by their fingers. This earnest protest was not without success; but it became, afterwards, a potent weapon in the hands of those who pronounced transportation a failure.*

The arrival of many hundreds, whose previous habits were far from respectable, increased the difficulties of penal government. The former marked division of classes was confounded: the emigrant laborer was the companion of the prisoner of the crown; but, in law, the equal of the prisoner's master. This addition was greatly deplored, both by the Governor and the press. It was perceived that great organic changes must follow the influx of free men, whose interest

* 28th June, 1832.

would run in a direction entirely opposite to penal institutions. Thus, almost instantly, a change became perceptible: the high value of prison labor was reduced, and employers hostile to the government could afford to defy its power. The emigrant laborers formed an intermediate class, which detested the espionage and insolence of a convict constabulary, and was disposed to resent the haughty spirit which slavery has ever generated in the ruling classes.

In 1835, the feeling in opposition to transportation was strongly expressed by certain portions of the people. A meeting was called, under the auspices of Messrs. Kemp, Gellibrand, Hackett, Thomas Horne, and others, which complained that the hope entertained, that the colony might ultimately be freed from its penal character, had been disappointed, and that the colonists "were made materials for the punishment of British offenders;" were considered only as the "occupants of a large prison;"—phrases of Arthur—and that "this penal character had recently increased; thus violating the feelings of the adult, and barbarising the habits and demoralising the principles of the rising generation." This meeting, at which the sheriff presided, called by public advertisement, was perhaps *de jure* a meeting of the colony; but the sheriff refused to attach his signature, lest the petition should be taken as that of the settlers in general, whose opinions it certainly did not then represent.

Arthur, in his despatch, endeavoured to neutralise its possible influence, at the same time intimating that he had "long foreseen that abolition would become a popular question." He, however, maintained that the emigrant, knowing the object of the settlement, had no right to complain; and that for the quarter of a century succeeding it would become increasingly adapted for the enforcement of penal discipline. He advised the ministers to stop the current of emigration, which, if continued, would render "convicts less valuable to the settlers," or to confine it to female emigrants, or such artificers as carpenters and masons.* Two hundred and sixty persons, in the Launceston district, repudiated the following passage of the petition:—"Your Majesty's humble petitioners most respectfully pray your Majesty to be pleased in your paternal goodness to remove from the colony of Van Diemen's Land the degradation and unspeakable evils to which it is subject on account of its penal character."

It would be amusing to contrast the sentiments expressed

* Despatch to Spring Rice.

by various persons during the first formal agitation of this subject, with those that have latterly prevailed. It must, however, be remembered, that there were two political parties. Some opposed transportation as the last indignity which could be offered to Arthur, its zealous patron; while others desired its continuance only because no other labor was at hand. The paupers sent from the parishes did not create a strong feeling of preference for free servants, many of whom were profligate, intemperate, and otherwise worthless. Nor is it honest to conceal the disastrous influence of power on the moral perceptions of the mind. It is justly observed by Franklin, the philosopher, that "it is one of the worst features of human nature, yet one with which it is too generally impressed—the love of power; whereby all men prefer to be served by slaves, over whom they have absolute dominion, than by free men, who have rights as well as their masters." These motives, mingled and corroborated by the practice of many years, contributed to strengthen the views of the local government, and to reduce to a small minority the advocates of abolition. Yet such are the singular conjunctions of affairs: though derided and rejected on the spot, they were afterwards quoted with respect by a committee of British legislators, when the subject of transportation again engaged the attention of parliament.

SECTION XVIII.

GOVERNOR ARTHUR held the reins of authority while considerable changes transpired in the elder colony. Sir Thomas Brisbane, who succeeded Macquarie, had chiefly attempted to diminish the expenditure, and in the management of convicts had sought in the results of their labor, rather than its detail, the success of transportation. Formed into gangs, they were employed in clearing farms under the inspection of government superintendents, for which the settlers paid a moderate price; but on the arrival of General Darling, the government assumed an aspect of increasing rigour, and the reins of authority were tightened until they were in danger of breaking. It does not belong to this work to examine minutely the general policy of that ruler; it was, however, held in earnest detestation by those who were, or

had been prisoners. The magistrates were empowered to inflict corporal punishment to a very questionable extent, and it was customary for one settler to judge and sentence the servant of another, who in his turn performed a similar office. It is surely not necessary to prove, that the moderate exercise of such extensive powers depended rather on the equitable temper of British gentlemen than the practical limitation of their power.

On the arrival of Sir Richard Bourke, the successor of Darling, the spirit of convict discipline underwent a change. By a new law he lessened the power of the magistrates to inflict corporal punishment, and particularly terminated the system of distributing through successive days the sentence awarded. The magistrates complained that the convict servants treated the penalties to which they were liable with derision, and petitions from various districts of the colony claimed the restoration of the abolished laws. This led to the issue of an order to the various district magistrates, requesting their personal attendance at the triangles, and a special report upon the extent of suffering which resulted from the application of the lash. Superintendent Ernest Augustus Slade, son of General Slade, prepared a scourge, which was called the "regulation cat." Every flagellator through the colony was supplied with this instrument, and the effects it produced are described with scientific minuteness. The last victim was much more fortunate than the first: the lash loosened, or softened, and became more merciful at every stroke.

The description of several hundred cases in the course of one month, prove how useless, how unequal, and unavailing this form of torture. Such as these: "a fair skinned young man, he bore his punishment well;" "he resolved to bear his punishment like a man;" "he begged for some water;" "he seemed much exhausted, and cried like a child;" "this man never moved or spoke;" "he seemed to suffer much mental pain;" "he bit his lip, he had had former punishments;" "he neither cried nor spoke;" "he cried out domino." Of fifty, one half had never been flogged before. Then there follows in each case a description of the writhings of the sufferers: the discoloration of the skin, the time at which the blood appeared, and whatever might illustrate the power of the lash to degrade and torture. These returns were obtained to vindicate Governor Bourke from the charge of unseasonable lenity, and to prove that no just discontent was authorised by the mitigations he had enforced.

A great portion of these punishments were inflicted by the order of Mr. Slade. Dismissed for immoralities he was authorised to avenge, he excused them by alleging his youth. Though capricious, he was not cruel; but it is due to mankind, to protest against depositing power in the hands of young persons, who have to cover their own passions by the plea of juvenility, and who, in every part of the penal colonies, have exhibited an example of those habits which lead to crime—and too often administered public vengeance in the spirit of tyranny.

Corporal punishment, long tenaciously vindicated, by those who ruled masses of men, was held indispensable, and no severe reproach can be due to the government which authorised, or the magistrates who ordered, its infliction. It seems, indeed, to be essential to every social system that denies the ordinary rewards of labor. The rebel slave, to deprive his master, will dare any suffering which suspends or terminates his service. But beside those who employed the lash from conviction, there were others of a different stamp: it is quietly observed by Messrs. Backhouse and Walker, that they found its greatest advocates "among persons given to profane swearing." The violent temper, prone to break out in imprecations, would find another and congenial relief in scenes of torture and debasement. There were modes of punishment which no prejudice could extenuate: among these, the infliction of the lash in a form which degraded society more than it debased the sufferer. Thus, at Hobart Town, men, for mere faults, have been sentenced to *exposure* and the scourge, in the view of hundreds: the flagellator extinguished the last feeling of the man, and roused the temper of the demon. An old compositor, within a month of his freedom, was charged with some trifling breach of convict discipline, and though the father of grown up children, was ordered by a chief police magistrate, this cruel disgrace. He is dead—and his oppressor is dead! Such cases were not uncommon, but they are past, and they may be left to oblivion.

Whether it is possible, in the present state of penal discipline, to withdraw the scourge from the hands of authority, it might be difficult to decide: it should not, however, be forgotten, that its present comparative disuse, was once pronounced impossible; and that when flogging decreased, crimes of savage violence became unusual.

The partisans of General Darling, many of whom were eminent, both for their opulence and social worth, resented

the constructive censure of his policy. They asserted that discipline was relaxed ; that, under the title of the " prisoners' friend," Bourke was an incendiary, stirring up the laborers to rebellion.* They predicted that the diminished severity of transportation as a penalty, would suggest new arguments against it in parliament, ultimately lead to its abolition, and thus inflict a fatal injury on the colony. The press, supported by emancipists, lauded the lenient temper of the governor, and exasperated the advocates of the past system by allusions to their tyrannical rule, and exultation at their defeat. The old quarrel revived : the dissatisfied magistrates and settlers dwelt on the characteristic depravity of the emancipists ; and the necessity for their permanent disqualification as jurors and electors. While they asserted the lasting civil and moral distinctions between the voluntary and ex-pi-ree settlers, the patrons of the latter avenged them by maintaining that the convict was only less *fortunate* than his free employer, and that the moral disparity assumed and vaunted, was rather fanciful than real.

The treatment of assigned servants in New South Wales had always been more open to objection than Van Diemen's Land.† The transportation of 30,000, during ten years ending in 1836, produced the moral evils inseparable from such vast accumulations. Several of the settlers employed from one to two hundred men, and it was a capital object to reduce them to the feeling, while they were subject to the economy of penal slavery. There were, indeed, many mitigations and many exceptions ; but the settlers at large realised less the healthy sympathy between the master and servant than was common in this country.

A class of settlers, whose management was not less exceptionable, chiefly ex-pi-rees, surrounded the large estates ; thus, while some convicts were considered both as criminals and slaves, others sat at the table and enjoyed the company of their masters. The results of these extremes have been already described, and are always uniform.

Among those who resented the policy of Bourke, Major Mudie was the most bitter and persevering. In his "*Felonry*

* *Mudie's Felonry.*

† " I thought them a villanous shabby set, compared with convicts in Van Diemen's Land." " There appeared a great deal of flogging." " My men did twice as much work." " I told my brother, if he used his men as we did, he would get more work : he said *it would be ill-received through the country.* They had very inferior clothing, and got very little meat. These remarks were applicable to the estates in general."—*Mr. P. Murdoch's Evidence*—questions 1397 to 1403.

of *New South Wales*," he employed every epithet of horror and contempt in condemning the conduct of this governor. The character of Mudie, as delineated by his friends, is not repulsive: they have described him as a good master and a just magistrate; but the style of his work awakens a suspicion that his temper was not fitted for the control of his fallen countrymen. They were sent to New South Wales to be punished: such was his theory. Macarthur, who participated in many of his sentiments, yet describes his own plan as the reverse. He knew that a severe gaoler could not be esteemed as a good master: "he endeavoured to make his farm servants forget that they were convicts."* Mudie spoke of those he employed in the tone of an executioner—nothing could wash away their guilt, or obliterate its brand. His descriptions of the "felonry"—a cutting term devised by himself, are grotesque and amusing. He deserves the fame of a satirist, but on historical questions his vehement language impairs the force of his testimony, and lessens the weight of his opinions.

This gentleman was the proprietor of Castle Forbes, an estate of large extent, where many convicts were employed. Their immediate superintendence he intrusted to his nephew, of whom their complaints were bitter and mutinous. Their remonstrances were punished: one man set out for Sydney, and carried a petition to Governor Bourke; he was sent back with a note to his master, written by the private secretary, who interceded in his behalf; but his application was irregular, and his absence unauthorised, and Mudie delivered him to the magistrate, by whom he was flogged and condemned to chains. On this, several men rose in rebellion: they attacked the house of their master, robbed him of some race horses, and attempted the life of the overseer. At their trial, and just before their death, they implored the governor to stop the cruelties which had driven them to desperation and the scaffold.

Deferring to the strong feeling excited by their appeal, Bourke appointed an enquiry. The evidence collected did not sustain the charges of the men, who probably mistook their position, and exaggerated their grievances; but their accusations made a deep impression on a certain class, and the tyranny of the settler magistrates, of whom thirty were dismissed from the commission, was denounced with increasing boldness and asperity.

* *Par. Pap.*

Among the most effective writers of the time, was William Angus Watt, who held up the angry magistrates to derision, and their partisans, "as a faction dwindled to a shadow—

A mumping phantom of incarnate spite ;
Loathed, but not feared, for rage that cannot bite." *

The career of this man is a curiosity of Australasian literature. Both Dr. Lang and Major Mudie have spread his fame by their works and their parliamentary evidence. He committed a crime in Scotland, for which he was outlawed; for a second, in London, he was transported. At Wellington Valley he won the favor of his superintendent: employed in an office at Sydney, he conciliated the goodwill of Bishop Broughton and several other clergymen, who interceded for his pardon. This was refused, but he obtained a ticket-of-leave, and engaged in the service of the editor of the *Gazette*, the reputed organ of the government. The profligacy of his habits, and the insolence of his writings, exposed him to observation. He lived with a female illegally at large, whose child, born in the factory, was baptised in his name. To involve the editors of the *Herald* in a prosecution for libel, Watt procured, by the agency of a printer in their office, a slip proof of a letter they had resolved to suppress. This he transmitted through the post to the person calumniated, to give him the necessary evidence of publication. For his share in this scandalous trick he was tried, but the paper stolen was of so little value that he was acquitted. In addressing the jury, he pointed out Major Mudie as his unrelenting persecutor, and as an oppressor of unfortunate prisoners. Mudie, to punish the alleged insolence of his defence, accused him of immorality and habitual lying, and demanded the revocation of his ticket-of-leave. The investigation lasted several weeks, and ended in the dismissal of the charge, which was not unfairly attributed to the animosities kindled by newspaper warfare, in which Mudie was more than a spectator. Judge Burton represented that the residence of Watt in Sydney was pernicious, and Governor Bourke ordered him to the district of Port Macquarie; whither he was followed by the proprietress of the *Gazette*, with whom he married, by the governor's permission. There he was again concerned in an official dispute: his ticket was withdrawn; he absconded, was re-

* *Sydney Gazette*, April 1835.

taken and flogged—and thus dropped down to the degraded condition which his enemies desired, and which was certainly not undeserved.

The attempt to identify Bourke with this man was an artifice of faction. The license he received was not unusual, and his previous character had been free from colonial offence. His influence resulted from his ability : his principles were the current notions of the emancipists; nor is it easy to discern how talents, such as he was supposed to possess, could be prevented from finding their level.

About this time Dr. Lang established the *Observer*. Its object was to write down the emancipist partisans, and the journals subject to their power. The good service performed by this earnest censor was not without alloy: and in his attacks on their moral reputation, he seemed sometimes to write what they themselves might have written. The emancipists were drawn together by common sympathies: they charged the free settlers with attempting to exact from the sufferings and failings of their brethren, a consideration in the colony, to which they were entitled neither by their rank nor their reputation. Nor was this reflection always without reason: in strange forgetfulness of the natural operation of self-love, the upper classes of New South Wales expected multitudes, often of greater wealth than themselves, to walk humbly in their presence. Such claims the emancipists met with defiance. The false morality of their journals will be largely ascribed by a calm enquirer to retaliation and hatred, rather than to a judgment corrupted—in reference to the real nature of crime.*

Nothing so powerfully contributed to rouse the attention of the empire, as the charge of Judge Burton, delivered to the petty jurors, at the close of the criminal court, 1835. Perhaps a more awful picture was never drawn, or a more serious impeachment pronounced against a people. This celebrated speech furnished the text of examination, when parliament once more enquired on the subject. Judge

* "It was the uniform tendency or design of the writings of these individuals, as it has been also that of all other public writers of convict origin in the Australian colonies, to reduce the reputable portion of the community to the same level as themselves; to abolish all the salutary distinctions which the laws of God and man have erected between right and wrong; and if possible to dispossess the whole convict population of all sense of criminality and degradation." —*Lang's Transportation and Colonisation*, 1837. p. 109. And yet the disappearance of emancipist disqualifications has almost banished a class of writers who were accepted as champions, but who could not seriously affect the ultimate views of public and private morality—they were mere actors.

Burton asserted that the whole community seemed engaged in the commission or the punishment of crimes. Crimes, including 442 capital convictions in three years : crimes of violence, murders, manslaughters in drunken revels—deliberate perjuries, from motives of revenge or reward, were brought to light. He complained of the deficiency of religious principle : of the neglect and profanation of the sabbath : on which day the worst actions were planned and perpetrated. The convict stations he compared to “beehives, diligently pouring in and out; but with this difference—the one worked by day, the other by night: the one goes forth to industry, the other to plunder.” These evils he traced to “squatting;” the congregation of prisoner servants in Sydney; the license of improper persons to public houses; and, more than all, the total neglect of superintendence by employers of convicts, who, armed for marauding expeditions, sometimes left their masters’ premises by night, and even by day. He closed, by declaring his love to free institutions—the pride, indeed, and boast of England; but which, if conferred on such a populace, he believed would end in the corruption of all.

That this address gave a true description of a part of the population, cannot be doubted; but inferences were liable to error, even on the spot, much more when drawn at a distance. A mass of thieves under any system, if in contact with property, must produce a mass of crime; yet even in the worst days of transportation, the relapses were proportionately less than under any other system of prison discipline. In England, 30,000 such persons at large, would yield annually at least an equal number of felonies.

The abuses which were brought to light, were certainly flagrant: the most memorable was the instance of Nash, who took to Sydney the rich spoil of a robbery, and set up a large drapery warehouse; and of Gough, an assigned servant of the chief justice, who lived at large, and carried on a quiet business as a receiver of stolen goods. Cases so conspicuous strongly illustrated the evils of assignment. The miserable fate of Mudie’s men, compared with the condition of such persons, naturally suggested the idea, that some new change was essential, to protect from reproach or derision the public justice of the nation.

The appointment of a committee to promote emigration from Ireland, of which Archbishop Whately was chairman, called attention to the subject of transportation. It was the opinion of the committee (1836), that to send the peasantry

of Ireland to a community so polluted, was base, cruel, and impolitic. The right reverend prelate asserted that statesmen were tolerating a social organisation, destined one day to involve the empire in deep disgrace, and exhibit the awful spectacle of a nation of criminals!

The desire to possess free institutions, brought the question of transportation to a crisis. The patriotic association advocated an unrestricted concession of political rights; the anti-emancipists a limitation of the franchise to such as were always free. This division of opinion was characterised by the usual warmth of political faction, aggravated by personal anger. The petition of the exclusionists called the attention of parliament to the state of the convict question, and solicited enquiry.* Macarthur, whose work is a commentary on the petition, full of valuable information, suggested the abolition of assignment, the separation of the convict department and colonial government, and the establishment of large gangs, in which labor might be exacted, without partiality.

Such was the state of this important question during the last years of Arthur's administration. When he deemed the details of his penal system nearest perfection, the main principles on which it rested were undermined. The severity enjoined by Lord Stanley, and the lenity exercised by General Bourke, raised an outcry against transportation; and once more propagated the idea that in its lenity it was corrupt, and its severity cruel. A running fire was kept up by the press, which returned to the question of secondary punishments with new vigour, and repeated all the problems on this perplexing subject—perhaps, destined to confound the wise, and furnish a theme for dogmatism through all time.

In 1837, the House of Commons appointed the committee, of which Sir William Molesworth was chairman.

SECTION XIX.

WHILE these questions were agitated in England, Sir John Franklin received the government of Tasmania. Captain

* The petition to the Commons prayed an enquiry into the efficacy of transportation to New South Wales as a secondary punishment: whether it should be continued, and under what alterations of the present system; or, if discontinued, in what manner, &c.—*Petition*, 1836.

Maconochie, already known to scientific men, and who had enjoyed long the friendship of the Governor, accepted the office of private secretary—a situation of not much emolument, but highly confidential. When his destination became public, the society for the improvement of prison discipline requested him to examine closely the results of transportation, as exhibited in Van Diemen's Land. To assist his inquiries, they prepared sixty-seven questions, comprehending the details of convict management, on which they desired a minute exposition of his views; and added, "*make such general remarks as occur on the whole convict system of the colony, and its effects on the moral and social state of the community: also remark on the effect of the latter, and enter on the subject largely, making any observation which may be useful in regard thereto.*"

Captain Maconochie referred the application to Sir George Grey, who consented, conditionally:—that all papers on the subject should pass through the usual channel to the colonial-office, and be first placed at his absolute disposal. The effects of this commission were momentous. Maconochie, when he left Great Britain, professed a freedom from decided bias, and to favor the general system of Arthur, rather than that propounded by Archbishop Whately. The opinions he ultimately adopted, he ascribed to his own observation, and disclaimed all prejudice against those forms of prison discipline he was destined to subvert.

The discussions thus originated are of a deeply interesting character, and their influence will long survive the animosity they occasioned. The completion of Maconochie's report was exceedingly rapid, or it was very early commenced. He had resided but three months, when he felt authorised to pronounce the existing system of management defective, far less in application than in principle. The course ascribed to Maconochie was that of a prejudiced spy, seeking evidence for a case pre-judged: that which he claimed, was the task of a philosopher, scanning facts patent to every eye—even more striking when first seen. His conclusions he attributed to the inevitable process by which facts are generalised, and demonstrate systems. His style, when deliberate, is terse and explicit: his ideas he expressed with the utmost freedom; or, as it then seemed, audacity. The colonists he treated as an operator, who indeed pities the sufferings of his patient, but disregards a natural outcry, while expounding in the language of science both the symptoms and the cure. Without circumlocution or reserve, he spoke

of the officers concerned in convict management as blinded by habit—as empirics who could patch and cauterise a wound, but were involved in the hopeless prejudices of a topical practice, and much too far gone to comprehend improvements founded on scientific principles. His deviations from the tone of philosophical discussion were not numerous, but they were marked. The chief police magistrate he compared to the lamplighter, by whom gas is detested. In praising that officer's administrative talent, he observed that he belonged to the martinet school, and that his estimate of human nature depressed it below its worth.

The representations of Maconochie, with reference to the condition of the convicts and the character of the settlers, awakened a storm of indignation. Transportation, he said, at a distance appeared a trivial penalty; but when surveyed more nearly, it was found to be inhuman. The servant was assigned to a master without his consent; his employment was alien to his habits; he labored without wages; he was met with suspicion, and ruled with insult or contempt. The servant became sullen, the settler vindictive: slight offences were visited with punishments “severe, to excessive cruelty,”—offences, often the ebullitions of wounded feeling, and the tokens of a hopeless wretchedness.

Notwithstanding, this condition—unknown to the population at home—afforded no warning. The victims were uncompensated—the great majority unreformed. Thus, employers preferred new hands to those passed through this discipline of suffering. Such as rose in society, were seldom really respectable; they neither regretted their crimes, nor offered atonement. But if the prisoner was injured, the colonist was not less so. Social virtues were discouraged; all classes were contentious and overbearing: the police, ever prying into the business of life, thus intermixed with penal systems, filled the colony with exasperation, from which not even the mildest spirits could escape. He did not propose to abolish transportation, but that the government by its own officers should both punish and reform; that the prisoners, when restored to society, should stand in the relations of free men to all except the crown, receiving wages at the current rate; and if restrained in their expenditure, not for punishment, but for safety—“the chains of paternal authority” thrown over them, “to protect them against themselves.”

Maconochie sent to Sir G. Grey a Summary of his Report, containing his opinions of existing systems: at his request it was at once handed to Lord John Russell, who again, con-

veyed it to the committee then sitting upon the subject of transportation. Although substantially agreeing with his report, *the summary* condensed, and therefore rendered more flagrant, the charges against the colonists, and his description of the condition of the prisoners still more revolting.

This *Summary* appeared in an English newspaper. Hitherto the discussion had been confined to official circles or to select correspondence: it was now open to the world; and the colonists found, with astonishment, that the reform proposed was radical, and that the opinions of the reformer were wholly adverse to the existing systems.

In this summary, the condition of the convicts was depicted with all the coloring of misery: they were slaves, subject to coercion; strangers to moral impulses, save only the distant hope of liberty. They were lodged in huts with stable roofs, damp floors, and rude furniture.* They slept on truckle bedsteads, often undressed; their food was cooked in the roughest manner; without wages, they robbed; miserable, they were drunken. Their better qualities were unregistered: the artful escaped, while the "careless fellow," otherwise good, was involved in a long train of penalties. A ticket obtained, the holder could acquire no property, and was worried by police interference; and in one night his indulgence might be forfeited. Though some masters, generous or weak, softened its rigour, assignment as a punishment, generally exceeded the desert of minor offences: and its degradation, unfelt by old offenders, was agony to men of minds more sensitive. The bad were little punished, the good demoralised; self respect was destroyed; and men born to better things, sacrificed by political institutions, rather than by their personal depravity or their crimes. This state was worse than negro-slavery: the interests of the masters were less permanent; who, though they did not fear their servants, disliked, coerced, and inveighed against them. This slavery tainted colonial life: the colonists were harsh and overbearing at home; they were quarrelsome neighbours, given to reckless assertion; rapacious, envious, and disaffected. Government was unpopular, and all governors so in succession. The police, if not corrupt, was irksome and intrusive. Labor was wasted, emigration discouraged. Crime and drunken-

* It was not much better in England: the Rev. J. Clay stated, that in Preston there were 422 dwellings, inhabited by 2,400 persons, sleeping in 852 beds; that is an average of five and a fractional part as follows:—84 cases 4 in a bed; 28 cases 5, 13 cases 6, 3 cases 7, 1 case 8; one family of 8 on bed frames, covered with a little straw.—*Health of Towns Commission*, 1844.

ness multiplied, and what a hundred and fifty is to one thousand, or thirteen hundred, such was the crime of Van Diemen's Land to that of England and Scotland. Drunkenness had risen, in ten years, from three per cent. to fourteen per cent. : in London, such was the difference of tendencies between those meridians, it was reduced to an imperceptible fraction.

To remedy these evils, he demanded the abolition of domestic slavery : a separation, distinct as their natures, between punishment and moral training ; punishment, certain and appropriate—inflicted upon system, and in seclusion ; and training, not less systematic, but social and probationary—coercion being banished, moral influence alone applied. For punishment, Maconochie deemed the system of Port Arthur, administered by Booth, an admirable model. For training, he suggested stations within reach of the free community, where the convicts should be prepared for society in parties of six, joined in a common fate, by mutual agreement. They were to work out their redemption together : their vigilance would detect, their interests depress disorders in the clubs ; the virtues of sobriety, diligence, decency, and industry, achieved by each, would be rewarded for the common benefit of all ; but for the fault of one, the whole would pay the penalty ; or should the partnership be dissolved by the intolerable injustice of any, its disbanded members would return to their starting point, and in new combinations pursue again, and perhaps again, the first steps, until all should reach abreast one common goal.

Such was the system of moral training and mutual responsibility, which he deemed only a new accommodation of established principles. In his view, it was a moral field the greatest statesman might enter with success, and thus crown himself with immortal renown. Such in substance was the summary, afterwards amplified by details and illustrated by facts. In subsequent papers the more offensive passages were explained and qualified ; but at best, they appear not only an indictment of opinions and systems, but of classes and communities.

Sir John Franklin promptly referred the queries of the *Society* to an official board, which consisted of the chief police magistrate of the territory (Captain Forster), the director-general of public works (Captain Cheyne), and the superintendent of convicts (Mr. Spode). In reply to sixty-six of these questions they had only to refer to undisputed facts ; but the last contemplated both the theory and

practice of transportation. In the statement of facts they united; but the proper remedies to apply to acknowledged evils, admitted of difference—and they all differed.

The memorandum of the chief police magistrate, beside briefly describing the practice of former times, recommended important changes for the future. Instead of assignment from the ships, he suggested that all prisoners should be placed on the public works, for a period to be fixed by the judges. He proposed a new distribution of time penalties: thus instead of seven, fourteen years, and life, to recognise by law a more minute and proportionate subdivision. In assignment, he recommended wages, rateable at the discretion of government; afterwards a *first class* ticket-of-leave, with a permission to choose employers; and a *second class*, to include most of the privileges of freedom, voidable only by a court of quarter sessions for specified offences. The conditional pardon he deemed it necessary to defer a longer time than usual; since, when released from surveillance and responsibility, ticket-holders often relapsed into the vices from which they had previously emerged.

Mr. Spode concurred with the chief police magistrate, though with serious reservations: especially, he deprecated any delay of assignment—a state he deemed most conducive to reform, and highly useful to the colony. Mr. Forster had declared that female prisoners “*were not available subjects for prison discipline.*” Mr. Spode recommended solitary confinement, or marriage. In the meantime, Maconochie having drawn up his report, submitted it to Captain Cheyne, and made a proselyte.

Captain Cheyne took the colony by surprise. Not only did he denounce assignment, but spoke of the settlers with still less tenderness: he asserted that a great proportion of those entrusted with convicts “were dissolute in their habits, and depraved in their principles.” That there “existed a fearful degree of depravity, unparalleled in any age;” that assignment was the great source of crime and caste: for the convict “no man cared;” few were exempt from contemptuous and brutal treatment—few escaped punishment. Such opinions could only usher in a system radically new. Thus Captain Cheyne proposed to divide the prisoners into gangs of two hundred each, and the adoption of task work proportioned to physical strength. He proposed wages to be paid to the road parties, to be expended in the purchase of comforts, or reserved for a future day. On introducing the prisoners into society, he recommended a graduated scale of

indulgence, not greatly dissimilar from the propositions stated already.

The papers of Maconochie and Cheyne were referred to the members of the executive council, and were generally condemned. Captain Montagu urged the great danger to the public peace, from the propagation of an opinion that the laws were unjust, the masters oppressive, and the government cruel. Were it intended to test Maconochie's theory, he demanded a large increase of military force. He, however, complained that gentlemen, who possessed such slight practical knowledge, should venture to assail established systems. His remarks chiefly related to the colonial influence of their ideas, and he exaggerated the danger to the public safety. The most dispassionate examination of this report was given by Archdeacon Hutchins. It was far more copious in its admissions in reference to the existing system. Little work was done; the prisoners were very slightly reformed, and the agents often unfit. But by what means labor could be exacted, or a "millennial age of righteousness" supersede the past, he declared himself uncertain. He was sceptical that it was possible to obtain men of science, prudence, and equity, to administer a system so complexed, and requiring such discretion.

Mr. Gregory, the colonial treasurer, adopted a less grave form of criticism. He soothed, by his humour, the colonial wrath, and among the lesser gods excited unextinguishable laughter. The charges of Maconochie and Cheyne against the colonists, he described as loose and random shots, fired by inexperienced hands. In reducing the plan of clubs to practical details, he insisted they were unequal, and even impossible. The minute appraisement, both of good and evil; reckoning up the diurnal merits of the men—the balance of which was to furnish their capital stock, to discharge their fines, to find them food and clothing, and liberty—he described as a gigantic scheme of finance.* He amused himself by supposing the number of chances which might inter-

* *Dr.*

- A. 3 marks for getting drunk.
- C. 2 marks for losing part of his Sunday clothes.
- E. 5 marks for wantonly assaulting F.

—
10
6
—

Cr.

- B. 1 mark for punctual attendance at church.
- D. 2 marks for general steadiness and obedience.
- F. 3 marks for self command under grievous provocation.

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6
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4 loss; falling one-half on those who obtained the entire stock of credit.

vene before, of ninety-six men, the whole should be divided into clubs of six, and by the separate agreement of all combine their fortunes, and risk joint forfeitures: each man settling into partnership with five others whom he could trust, and by whom he could be trusted. He figured also the embarrassment of the protectors, who every evening, ledger in hand, must make up their debtor and creditor account for the three hundred probationers.

The summary, Capt. Maconochie had enclosed, under seal of the Governor, to Sir George Grey, without however fully explaining its contents to Sir John Franklin, or intimating its serious and formal nature. When the journal containing it was placed in his hands, he uttered an exclamation of astonishment, and instantly dismissed its author, but did not withdraw his friendship. Maconochie represented that it was a private document, intended for private use—its sudden appearance not less unexpected than embarrassing. That he had not submitted this paper to the Governor, he ascribed to the irritation caused by the difference of their opinions; and that he did not delay its transmission, he imputed to its overwhelming importance and its pressure on his mind. How the spirit of the Governor was extolled by the colonists need not be formally stated, or how his discarded secretary was accused of rashness, perfidy, and falsehood. Maconochie did not himself disdain to acknowledge, that in error of judgment he had forwarded too early, and in a manner seemingly clandestine, a report so decided. The imputation of duplicity was unjust: Franklin was not wholly ignorant of the contents of the packet. Although not, perhaps, aware that he was franking a system, yet by the same vessel he wrote to the minister that he had not read, and could not answer for the *summary*. It was, however, strange for the ministers of the crown to rely on a private report; and especially upon the truthfulness of an analysis, which gave opinions, but deferred the evidence on which they were said to rest.

The resemblance which may be traced between the system propounded by Maconochie, and the suggestions which have been offered at various times by writers on this subject, will not deprive him of the credit of originality. Hazarded by their authors without much reflection, the boldness of a reformer was required to adapt them. It may, however, be interesting to trace the details which he combined, or the sources of those ideas which he comprehended in his scheme.

Sidney Smith suggested "new gradations of guilt to be established by law, and new names to those gradations; a different measure of good and evil treatment attached to those denominations—as rogues, incorrigible rogues," and so forth.

Mr. Potter M'Queen recommended a division of offenders, some of whom should be punished in gangs, and others subject to a process simply reformatory.

Blanco White, a celebrated Spaniard, had suggested sentences to an amount of work rather than to an extent of years. He proposed that the tread-wheel should measure the progress of the culprit, and that every revolution should bring him nearer to liberty.

His primitive system had long been adopted by Arthur, though probably with objects somewhat distinct: it was found in every penal settlement and road gang.

Capt. Cheyne had recommended the opening of accounts and payment for probationary labor.

At Bermuda, the stimulus of present enjoyment was offered to industry: convicts were allowed 1s. 6d. per week, half of which they were at liberty to expend in fruits, vegetables, and such like comforts; the residue forming a fund, sometimes of £15 and £20, receivable at discharge. These indulgences were attended with the happiest effects, and the superintendent, Sir Thomas Usher, was so satisfied with their reformation, that he had no doubt seven-eighths were better men at the close than at the commencement of their bondage.

The idea of clubs was found in the tithings of the ancient Britons, which were enrolled by the authority of Alfred, and made liable for each other. Maconochie saw in the disjointed and licentious condition of that era, something analogous to the state of convicts, and in the result that "a bracelet might be left on the highway with security," an encouragement to hope, from a similar organisation, for the same success. Capt. Maconochie quoted Hume in describing these societies, but he omitted those sentences which seem to give another aspect to the institution; for when a member of the tithings was charged with a crime, the rest could purge themselves from responsibility, if acquitted on oath of connivance with the offender, or his escape: but, however innocent, the clubs of Maconochie were involved in the responsibility of the transgressor—a fundamental difference, the suppression of which was scarcely compatible with literary candour.

Bentham himself had proposed that convicts should remain at auxiliary establishments, in principle resembling the training stations of Maconochie, until they could be prepared for the full enjoyment of liberty. He also suggested mutual surveillance associations, in which the prisoners should watch over, instruct, and assist each other. Archbishop Whately advocated the detention of prisoners until their reformation was established.

Maconochie attributed his idea of marks to an observation of Messrs. Backhouse and Walker on their usefulness in training the rising generation: they thought they discerned a faint image of the club system at Macquarie Harbour, where devout prisoners separated themselves into a society, and were secured from the interruption of the rest. Men from bondage, were released in the hulks, when the sum total of marks in their favor covered a certain period of their sentence.

Macarthur had recommended the employment of an officer, under the immediate direction of the home secretary of state, responsible for the full execution of a sentence, to whom the entire management of the convict department might be committed. The governors would thus be less likely to change the aspect of transportation, according to their particular theories.*

Captain Maconochie was preceded in this branch of penal philosophy by a gentleman, not equally celebrated, but who proposed changes as radical. It is amusing to observe, with what different objects, and how diverse in spirit, similar mutations have been enforced. Dr. Henderson, the founder of the Van Diemen's Land Society, on returning to India, offered through the press at Calcutta a new scheme of colonisation, based on convict government. That which existed he deemed defective in its main principles, and futile in its results. The settlers he described, with some contempt, as an inferior class, inflated with notions of liberty and equality, and debased by convict associations; prone to quarrel and encroach, but distressed with the endless vexations of their lot. Forbidden to punish the insolence of their servants; exposed to the disgrace of meeting their accusations; or when they prosecuted a charge, liable to the strictures of the magistrate, who might penetrate the secrets of their dwellings, and censure them in the presence of their exulting slaves. Thus, though the author assumed the tone of

* *Macarthur's Present State, &c.* pp. 47, 49.

philosophical discussion, he differed from others who professed to investigate principles: he observed—"We find the convicts in the condition of slaves placed under despotic power." "It is not necessary to enquire whether it is for their benefit;" "they are not entitled to our sympathy, should they be treated with the rigour of slaves;" "they will not often labor when they are removed from the dread of punishment." "The magistrates should be relieved from forms and precedents, and punish according to the intrinsic value of offences, and for the public good." "More injury is done by the trammels of the law, than by leaving the judges to their own discretion." Such is the essence of his system, which, however, always presumed the existence of a lofty purpose and a dispassionate administration.* For this large discretion, however, he pronounced the existing settlers unfit: he recommended the employment of young educated gentlemen, under a board of directors, and proposed as the primary object of discipline, neither punishment nor intimidation, but *productiveness*. Power being lodged in the hands of the superintendents, without regard to *Burns' Justice*, or written regulations, they would check offences at once, and punish according to their social and material tendency. He held, as vitally important, that all national views in reference to transportation should be subordinate to the colonial welfare. Having formed agricultural establishments, and fitted them to become the home of capitalists, the officers of government would give place to another class of employers. The house, the servants, and the cleared ground, would be disposed of by the crown; the convicts, gradually trained, exalted into a free population, and with their families would form a peasantry. The sale of these estates would repay the original outlay; and thus, without further drafts on the treasury, the process could be renewed in an endless succession. The lash, Dr. Henderson was far from rejecting as an instrument of correction—"cheap and expeditious:" in short, his was a plan of slavery, and which conveyed semi-magisterial powers to the overseers, and gave them a profit on the labor they might exact.

Henderson had become sultanised by living in India: he was attached to the spirit of its government; the legal for-

* "They should have increased the barriers between him and the convict; and in those investigations they should have leaned towards him (the master), even at the expense of legal justice: his character should have been rendered sacred in the eyes of the convict."—*Henderson's Observations*, p. 12.

malities, which delight an Englishman, seemed to him the degradation of rank, and a pernicious license to inferiors. In his imaginary commonwealth, he saw but two classes, which, in the language of the East, he distinguished as the "head and the hand." He thought the judges should be required to aid the governors by their interpretations of the law; who, at the close of their administration, might be tried by their peers, and, if found wanting, handed over to everlasting shame! Thus, his plan embodied the spirit of caste, of orientalism, and of the India House. He had no simpering tenderness for the prisoner, while he attributed to the upper classes an innate rectitude and self control, such as the British records of the East will hardly sustain. His speculations are worth remembering, for the contrast of their *animus* with those of Maconochie, and for the analogy in their details.

SECTION XX.

At this era, no one will question the integrity or benevolence of Captain Maconochie, and it would be disgraceful in a historical work to adopt the language of prejudice, much more the invectives of a quarrel; but it is not less important to estimate aright both his opinions and his plans. His description of the condition of the prisoners might be easily illustrated by examples. There were settlers, not a few, to whose care the prisoners were entrusted, who were unfit to govern a kennel. Low in their origin, corrupt in their principles, and detestable in their lives—their selves differing from felons in nothing but their position.

The unhappy prisoner entrusted to their charge, was insulted, coerced, and crushed. Sufficiently cunning to avoid a palpable infraction of the orders of government, they constantly violated their spirit. Physical weakness, or mental incapacity, they treated as evasion or contempt. Prone to invoke the interposition of the magistracy, they drove unfortunate beings for slight offences to a tribunal, where the presumption was always against them. In the presence of the magistrate they were smooth and supple; but the eye of the punished prisoner marked the exultation of cruelty

triumphant, and his course was rapid from failings to faults, and from faults to crimes.

In the larger establishments, except where the humanity of the master kept alive his vigilance, the men were sometimes placed in the power of an overseer, himself perhaps an expirée; who, elated with office, delighted in the advent of his turn to torture. On such farms the rigour of discipline seemed essential to order: too often, the men differed but little from slaves. Violations of rule were deemed more pernicious by their example than their immediate inconvenience: to pass by a fault, was thought to license its imitation. The indulgences afforded by a small settler, whose social happiness depended on their good humour, would have proved, where many, herded together, an item of large expense. Punishments, the readiest instruments of control, were inflicted on calculation: there was, perhaps, no anger in the breast of the accuser—the defaulter he would have readily forgiven, had he stood alone; but impunity would relax the reins of authority, and the lash was invoked because most convenient. The published documents of the House of Commons illustrate the perseverance of masters, in repeating their prosecutions; and the resistance and suffering of miserable men, who for the long period of their service lived in constant warfare, and retaliated the social wretchedness they endured. An enquirer could not long reside in the colony, without learning that many had borne a succession of punishments sufficient to prostrate the strength of a giant, and which no mere animal in the creation could survive.

Yet this is not a fair estimate of the character of the settlers, or the results of assignment; and a want of discrimination in Maconochie, however unintentional, was a serious injustice. It was true, that the constant vexations of a settler's life produced, too generally, a tone and manner, striking to a stranger, because not so common under happier circumstances. The substantial benevolence of many employers is not the less unquestionable: a large number continued their liberated men in their service, whom they had taught the arts of industry, brought under the influence of moral instruction, and assisted to settle in life. Hundreds scattered throughout these colonies, who were born in the contagion of wickedness, were rescued from habits of crime by the long and patient training of their masters. That many such have become virtuous, in the highest sense, could not be affirmed without hazard; but can this be said of the majority of mankind?

The charges of Maconochie incurred severe reproach, for their rashness. It is true, that the prominence of evil fixes the attention, while humanity is retiring and noiseless—as the riot of the streets conceals rather than illustrates the sobriety and order within doors; but a philosopher should have taken into account this facility of error, while condemning with whatever severity the evils he might scan: lest he should be found to set forth the exception as the rule, and the rule as the exception.

Were persons, who have passed through assignment, to give their testimony, a very large proportion would acknowledge that their condition was not unhappy, or their masters unkind. In his estimate of prisoners, Capt. Maconochie was equally deceived by a generous confidence, or by his pity for human suffering. Some were, indeed, far superior to their degradation: they retained in bondage the principles they had derived from education, or the dispositions natural to their character: offenders by accident, not habit; and some condemned by that last calamity incident to society, the mistakes of public justice. A much larger class were victims of early neglect: parental example, or of the social evils which are incident to the refinement, corruption, and selfishness of the age; but very many, whatever the cause of their depravity, were really and recklessly depraved. The pitying eye of the philanthropist, glancing at their history, would find his compassion in the ascendant, and in surveying their misfortunes might forget their crimes; but to stand in contact with them; to struggle against their passions, to hear their profaneness, to correct their indolence, and to thwart their speculations—these were duties and trials, in the presence of which the highest benevolence became practical, and theory gave way before actual experience. Nor is it easy to discover by what plan the injustice of European society, or the misfortunes of youth, can change the colonial aspect of depravity, or supersede the penalties provoked by indisputable wickedness.

A close examination of the records in the police-office, not only proves the revolting severity of our penal administration, but by preserving the original character and colonial career of the prisoners, illustrates the depth, continuity, and recklessness of their guilt. It was in this department of his investigation Maconochie dropped into serious errors. He entertained the conviction that the far greater number were wicked, because they were unhappy: nor did he sufficiently perceive, that in a large mass of offenders the principles

which debase them had become constitutional by habit ; and that nothing, short of divine power, could change the current of their passions, or the course of their lives. From such a view of human nature the feeling mind revolts, and the philanthropist may justly cherish those animating hopes which instances of reformation may save from the charge of folly ; but a philosopher, constructing a system, cannot disguise facts with impunity : and nothing is more certain than that he whose expectations are disappointed, feels a dangerous reaction, and passes from unlimited confidence to indiscriminating suspicion. The administration of the criminal laws, both in Great Britain and the colonies, presents a series of alternations between rigour and laxity, which have proceeded from the alternate ascendancy of conflicting ideas, that can never settle into harmony.

Maconochie delighted to trace the better qualities of prisoners : how even the most daring are moved by tenderness, and when kindly spoken to, melt into tears. Unhappily these characteristics too often exist in combination with passions which render them useless. It is, however, the duty of all to endeavour to elicit and nourish them ; for though they but slightly relieve the depravity with which they are not incompatible, they afford a nucleus round which the social virtues often gather, and prevent the total despondency of those who labor for the welfare of the weak, the wicked, and the miserable.

Sir John Franklin made a last effort to save the system of assignment. He defended the colonists from the imputations of Captain Maconochie, and exhibited statistics, which proved their anxiety to promote the spiritual welfare of the population. He maintained that the surveillance of the government was active, the distribution of labor usually impartial ; the protection of the prisoners from injustice secured by law, by the press, and by the constant scrutiny of the lieutenant-governor. He argued that the quiet submission of the prisoners was not ensured so much by military power as the consciousness that they were treated with justice. In his view assignment, by its near resemblance to the ordinary combinations of social life, prevented the worst consequences of penal degradation, and tended to rouse the sympathies which crime might have rendered dormant ; he, however, disapproved of assignment in towns, and for domestic service.*

* Despatch to Lord Glenelg, October, 1837.

The abuses of assignment were prominently exhibited in the instance of Clapperton, a man greatly trusted by his master, Mr. Alfred Stephen. He was guilty of embezzlement to a large extent: he was tried by Captain Forster, and sentenced to fourteen years transportation; but Clapperton was famous as a clever cook, and as such was desired by the colonial secretary, who, however, judged it right first to enquire whether his services would be in demand for the kitchen of the governor. The private secretary waived the precedence, and Clapperton was accordingly sent to the residence of Captain Montagu. On the way to his destination he called at the house of his old master, to acquaint the servants with the favorable turn in his fortune: this became known to Mr. Alfred Stephen, who found that, by the prosecution he had instituted, he had conferred a favor upon an official friend. He immediately appealed to Sir John Franklin, who was evidently unconcerned in the arrangement: he recalled the man, and sent him to labor on the roads. The public discussion of this case excited a strong sensation: it illustrated the system, which sent one man to toil on the chain, and another to wear the livery of the second officer of the government.

Fifty gentlemen presented a requisition to the sheriff, to call a meeting, to discuss the abuses of transportation: this, however, he declined, and the requisitionists permitted the matter to drop, lest an exposure should endanger assignment altogether. It could only suggest to the British parliament new arguments for abolition, when it was found that a doubly convicted offender was sent a few miles, into an opulent establishment, to enjoy the dominion of the larder, to romp with the maids, traffick with the tradesmen, and command the means of vicious gratification; while a simple rustic, fresh from his first transgression, was subject to all the hardships of predial bondage.

SECTION XXI.

BUT Sir W. Molesworth had roused opposition to the prevailing system. The Commons' committee examined twenty-three gentlemen, whose testimony would be without novelty to the reader of these volumes. The greater part concurred

in the inexpediency of assignment, and in the usefulness and importance of transportation. These witnesses were charged by Maconochie with a general indifference to the moral welfare and personal improvement of the prisoners. A colonist would, however, easily distinguish substantial benevolence from sentimental opinions; and they knew, by the trials of experience, how toilsome are the most generous efforts to correct habits not to be softened by the tears of compassion, and which do not yield to the wand of the magician.

The committee recommended that transportation to New South Wales, and the settled districts of Van Diemen's Land, should be discontinued: that establishments abroad should be limited to places where no free settlers were allowed to enter; that the abridgment of a sentence should be determined by fixed rules; that at its close, encouragement should be offered, to such as might merit the favor, to go to some country where support could be more easily obtained, and character recovered; and, finally, that no convict should be permitted to remain at the place of his punishment after its termination.

Such were the recommendations of this famous committee, which were carried into effect only so far as suited the convenience of the ministers; who, however, stopped transportation to New South Wales, and revoked the order in council by which that country was constituted a penal settlement. "On the 1st of August, 1840," said Lord John Russell, "transportation to New South Wales will cease for ever."

In Van Diemen's Land, assignment was abolished: first in domestic service, then in the towns; and the opinion was intimated by Lord John Russell, that he inclined to the views of Archbishop Whately, with limitations and exceptions.*

* These views are thus stated by the Archbishop:—"Thus, under a reformed system of secondary punishment, supposing transportation abolished, it strikes me as desirable, with a view to the preservation from a return to evil courses of persons released from penitentiaries, &c., after the expiration of their punishment, that such as may have evinced a disposition to reform, should be at their own desire furnished with means of emigrating to various colonies, British or foreign, in which they may mix, not with such men as their old associates in crime, but with respectable persons unacquainted with their past history; and may thus be enabled, as the phrase is, 'to turn over a new leaf.' This, of course, implies that they should not emigrate in a body to any one place, and as a distinct class. For juvenile offenders the same course would, perhaps, be even still more suitable."—*Letter addressed to the Rev. H. Bishop, on the evidence taken before the Transportation Committee; containing his Grace's opinion on the efficacy of the punishment of transportation.*

Among writers upon the subject, who most strenuously maintained the policy of transportation, may be enumerated Bishop Broughton, Dr. Lang, Dr. Ross, of Hobart Town, Sir George Arthur, Sir John Franklin, Messrs. Macarthur, David Burns, and Captain Wood. They united in vindicating the colonists from the imputation of profligacy and cruelty. Governor Bourke was alone, among influential persons, a secret advocate of total abolition. In writing to the secretary of state, he intimated his conviction that, however strong the prejudice of the colonists in favor of penal labor, they were losers by the bargain; and that the social mischief gathering around them would soon demand a total cessation.*

In the voluminous productions, which for more than twenty years teemed from the colonial press, the idea of total abolition was scarcely suggested; except, indeed, in the year 1826, a colonist, under a fictitious signature, hinted in modest language that free labor might prove the cheapest in the end. The notion was tolerated, while the country was ravaged by bushrangers, but it was only treated as a curiosity and a dream.†

Towards the close of 1839, a meeting was held in the Mansion-house at Dublin, to promote emigration to New Zealand. A resolution was passed, on the motion of Dr. Dickenson, the chaplain of the Archbishop of Dublin, which exhibited a frightful portraiture of the Australian colonies.‡ Dr. Dickenson dwelt upon the social corruption, and declared that it was in vain to imagine a colony, so composed, could ever become respectable. The natural conclusion from the

* "I may venture to assure you, the colonists will feel great satisfaction at the declared intention (1833) to continue transportation. . . . The great advantage they derive from the labor outweighing, in their opinion, the mischief. Regarding, however, the advancement and prosperity of this colony, as now placed on foundations which cannot be shaken, I am strongly impressed with the belief, that the manners and morals of this people would be much improved, and ultimately their wealth and happiness would be much augmented, by a gradual relinquishment of the services of convicts. Yet I am aware that this sentiment is not generally prevalent among the settlers, and I shall therefore abstain from troubling you with any detailed explanations, upon which my opinion is founded.—*Despatch of Major-General Bourke, addressed to Mr. Secretary Stanley, 1834.*

† *Hobart Town Gazette.*

‡ "Resolved—That in the opinion of this meeting it is unjustifiable to induce intending emigrants to take up their abode in the midst of the vice and immorality which notoriously prevail in the penal colonies; but that such persons should be encouraged to settle in countries, where they will not only be likely to thrive in fortune, but to lead good lives, and bring up their children in virtuous habits."

proportions of the census, the amount of crime, and the character of the expirees, was unfavorable to the colonies; but the imputation of general vice and juvenile depravity, were made most frequently by projectors of rival settlements, and were tinged with selfishness. The object of the archbishop and his chaplain warped their judgment, and their lofty tone induced the public to believe that they were right; yet when they described the colonies as vast brothels—as the dwelling of banditti, rank with the crimes and ripening to the ruin of Gomorrah—they were guilty of injustice. Many, who labored to civilise the brutish, and to reform the vicious, read with just indignation the statements of persons, whose station gave weight to their accusations, when they told the world that the children of the settlers surpassed, by the precosity of their depravation, the dreams of misanthropy. Against these sweeping opinions, Major Macarthur, then on the spot, earnestly protested. Dr. Broughton, on this side the globe, made an energetic remonstrance, and asserted that the report of the transportation committee could be taken only as the collection of facts, which were spread over a long period of time, and were descriptive only of a base and dishonored fraction. He asserted that a series of the *Times* newspaper contained a succession of atrocities which, if combined, would exhibit Great Britain as the most worthless of nations.

Inspired by Captain Wood, of Snake Banks, the settlers of Tasmania had endeavoured to check the calumnies which assailed them. A public meeting, held when the report of the committee arrived, requested the Governor to do them justice. Sir John Franklin warmly denied the corruption imputed to the settlers, and the chief facts alleged against transportation; and the clergy united in general commendations of the liberality, decorum, and religious habits they had witnessed. This appeal was not received with much favor in England, and the London *Times* pertinaciously maintained that they were mere assertions of individuals—who represented that Van Diemen's Land, far from being a den of vice, was the place to look for virtue.*

The Archbishop of Dublin presented a petition from certain citizens of London, praying for the total abolition of transportation. He declared that no opposition, derision, or contempt, should daunt him. He advised the establishment of insular penitentiaries in the neighbourhood of Great

* *Times*, February 11th, 1840.

Britain, and he moved that the punishment of transportation should be abolished immediately, completely, and finally.* The Bishop of Exeter, always in antagonism to Dr. Whately, asserted that his representations were exaggerated, and that crime amongst the native born population was one half less than in England. The whig Bishop of Norwich sustained the views of Dr. Whately. In reply, the minister stated that they had stripped transportation of its allurements. Some punishment for life was essential; Englishmen would not endure the perpetual imprisonment of human beings, or the sight of felons in their streets working in chains. It was resolved, however, to reduce the proportion transported, and to promote emigration. Lord Normanby observed, that although the most reverend prelate had made the question the subject of eight years meditation, he had not yet discovered a substitute which could justify abolition.

The ministers of the crown resolved to diminish transportation, but nothing was prepared for a change so great as was implied by total abolition: they, therefore, adopted a middle course, and Lord Normanby, in a despatch to Sir George Gipps, developed the policy then in the ascendant.† The principal scene of the future experiment, chosen by her Majesty's government, was Norfolk Island, commended by its healthy climate, its fertile soil, and its seclusion.

When the former settlers relinquished this insular paradise, it was long abandoned to desolation. The timber of the buildings was consumed by fire, lest the place should allure and accommodate pirates or enemies. In 1825, when it was re-visited, the few swine left there had multiplied; the domestic cats had become wild, and the trees were thronged with pigeons and doves. The ruined walls and blackened chimneys spread over with the unpruned vine, the coffee plant, the orange tree: the road overgrown, the stone enclosure beset with rank vegetation, amidst which many a garden flower grew wild, presented a scene, perhaps, unprecedented, except by oriental desolations.‡

It was proposed to erect a prison on the island, in which a large body might be lodged; for which plans were forwarded, and the expenses required authorised by the crown. It was intended to remove the convicts already there; thus to preserve the prisoners transported from the united

* House of Lords, 1840.

† May 11th, 1839.

‡ For an account of Norfolk Island see vol. i.

kingdom from the contaminating example of their predecessors. A commandant was to be appointed, at a salary of £800 per annum, who was expected to avoid the extremes of laxity and severity; qualified by a deep interest in the moral welfare of the prisoners. To this office Captain Maconochie was appointed by Sir George Gipps, and was permitted to test the ideas he had propounded, and to seek the success he had foretold. It was expected by the government, that the labour of the prisoners would soon almost cover the cost of their support.

The advent of Maconochie created vast excitement among the unfortunate beings. The active efforts of this officer altered the tone of the settlement, and inspired the desponding with hope: they changed the aspect of that abode of misery—where suffering, insurgency, and carnage, had furnished a dark page in penal history. True to his creed, he removed the permanent gallows, which met the eyes of the prisoners as they left their barracks for their morning toil, and abolished the doubly-loaded cats, which had been heretofore the instruments of punishment. The impulse was powerful: a new tone of command, humane even to tenderness; the promise of speedy deliverance, wrought on the minds of the prisoners with the force of novelty and surprise. The gaol doors were thrown open: the gaoler loitered before the deserted prison, and the prisoners yielded to the spell of a transient enchantment. On his arrival, Maconochie issued an "exposition" of his plan: he told the prisoners that punishment would be inflicted, to inspire the thoughtless with reflection and the guilty with repentance. Such would be its object, and such its limits. He exhorted them to a manly endurance and a diligent preparation to acquire the comforts of *honest* bread. He assured them, that while the escape of the incorrigible would be barred for ever, he would delight to hasten the freedom of the worthy. Thus those that earned 6,000 marks would discharge a seven years' sentence, or 7,000 would be required for ten years' servitude; and 8,000 was the composition proposed for a sentence for life. They were, however, to enjoy a portion of their earnings, which they paid in exchange for luxuries, or to reserve the whole to hasten their discharge. Thus it was possible to obtain a ticket-of-leave in one, two, or two and a-half years, from a sentence of seven, ten years, or life. He deprecated those lengthened punishments, which deprive men of the years of youth, and strengthen and ripen every evil propensity into fatal maturity.

While the government of Norfolk Island developed the novel system, accounts were conveyed to the colonies only at intervals: some in the spirit of hostility, and others because they were idle, delighted to depict the enthusiastic Maconochie as the subject of delusion, and the butt of ridicule among those he reformed; but the climax at last came.

Never was Norfolk Island so gay, or its inhabitants so joyful, as on the 25th May, 1840. A proclamation had been issued by Maconochie, describing the pleasures and festivities he contemplated. On this occasion he resolved to forget the distinction between good and bad, and to make no exception from the general indulgence; but he entreated the men to remember that on the success of this experiment his confidence would greatly depend: he warned them to suppress the first tokens of disorder, and by retiring to their quarters at the sound of the bugle, prove that they might be trusted with safety. On the morning of the day, the signal colours floated from the staff, crowned with the union jack: twenty-one guns, collected from the vessels and from the government-house, were mounted on the top of a hill, and fired a royal salute. The gates were thrown open, and eighteen hundred prisoners were set free, and joined in various amusements, of which Captain Maconochie was a frequent spectator. Eighteen hundred prisoners sat down to dinner, and at its close, having received each a small quantity of spirits with water, they drank health to the Queen and Maconochie—three times three for Victoria and the captain rent the air. They then renewed their sports, or attended a theatrical performance. New scenery, dresses, music, and songs, contributed to the hilarity of the party. The performances were, the *Castle of Andalusia*, in which the comic powers of the prisoners were exhibited to their companions, a variety of glees and songs, the tent scene of *Richard III.*, the *Purse*, or the *Benevolent Tar*, and finally the national anthem.* At the termination, no accident had occurred; the gaol was entirely unoccupied; no theft or disorder had disgraced the day; and thus the notion of Maconochie seemed to be illustrated by the experiment. The contrast with the past system created the greatest

* The following are the characters and performers in the *Castle of Andalusia*: *Don Cæsar*, John Lawrence; *Scipio*, George Rolfe; *Fernando*, James Walker; *Alphonso*, Henry Whitton; *Spado*, James King; *Pedrillo*, James Monns; *Sanguino*, James Cranston; *Rafirino*, James Porter; *Calvetti*, William Smith; *Vasquez*, R. Saunderson.

amazement, and the description of this extraordinary scene excited universal laughter.

The long habit of connecting the notions of crime and punishment, of guilt and misery, was thus violently shocked. Its novelty gave to the policy of Norfolk Island the air of delirium: the disciplinarians of the ancient regime raised their hands with astonishment. The place, once of all most hateful, painted by fancy became an elysium: employment enlivened by plays, rum, and tobacco, was described as a cheering vicissitude in a life of crime. It was not difficult to see, that a reaction would follow, and that any untoward accident would produce a recoil.

It is said, that the prisoners at Norfolk Island deeply sympathised with their chief: that they combined in a society for mutual reformation, and that the paper which contained the outlines of the plan was headed by the well-known motto of the Irish liberator—

“ Hereditary bondsmen ! know ye not, who would be free,
Themselves must strike the blow.”

These promising appearances were soon followed by a catastrophe, attended with sad sacrifice of life.

On 21st June, 1842, the *Governor Phillip* stood in the Bay. A prisoner, seated upon a rock, awaited the return of his companions from the vessel, twelve in number: they had been sent to assist in unloading the stores, and had remained all night. He heard firing on board, and ran to give notice to the nearest officer: the vessel had been taken. There were twelve soldiers, beside eighteen seamen. Two sentries were placed over the hatchway, but the prisoners were allowed to pass to the deck, where they noticed the negligence of the guard, which they rapidly communicated to their comrades below. In a few minutes they were all on deck: they rushed one sentry, and attempted to seize his pistols; then threw him overboard: the other resigned his gun. Two unarmed soldiers, who were accidentally on deck, struggled against them; they were unsuccessful: one took refuge in the main chains, and slipped down into the launch; the second attempted to swim ashore, but when within a few yards from the rock, he uttered a cry, raised his hand, and disappeared. The sergeant having gained the deck, shot the nearest of the mutineers; but he received a blow which rendered him insensible. The sailors ran to the fore-castle, and the hatches were fastened down; but the prisoners, unable to work the vessel, summoned two sailors from below to assist them.

The soldiers, having broken through to the captain's cabin, fired through the gratings: several mutineers were wounded. The convicts then proposed to send the sailors on shore, and demanded the surrender of the captain, who answered with a shot, which struck the leader in the mouth, and passed through his brain: the remainder instantly ran below, and the vessel was retaken. One soldier, who had attempted to reach the shore, had been compelled to swim back, and had been saved by a mutineer; but in ascending the side of the vessel was shot by the sergeant in mistake. The prisoners now asked quarter, which was granted; but one, on reaching the deck, received a shot in the thigh: another raised his arms, and cried "spare me!" Either by mistake, or in revenge, his head was blown off by the fire of the soldiers. Thus the deck was covered with the dying and the dead. The wounded were landed, and the bodies of those slain were buried by moonlight.

The prisoners were confined together in a large room of the gaol, where they were visited by the chaplain and commandant, who both labored to awaken them to a sense of their guilt. Several were remarkable for their misfortunes and their crimes. They were conveyed to Sydney in the vessel they attempted to capture. On their arrival, crowds met them, anxious to catch a glimpse of the men who had dared, unarmed, so bold an enterprise. They met their fate with fortitude, and their last words were in grateful remembrance of Maconochie. The chaplain who attended them, has described* the gratifying change of which he was the witness; and mentions with natural indignation the negligence which suggested the attempt, the cowardice with which it was resisted, and the cruelty displayed in its suppression.

Before deciding the merits of Maconochie's system by the result at Norfolk Island, it is proper to estimate the disadvantages under which it was tried. The island was not cleared of its former occupants, and thus its corrupting traditions were perpetuated. The officers employed had been formed under another system: several regarded the process with contempt, and were involved in quarrels with its projector. They resented the diminution of personal consequence, by an attempt to give prisoners the air of free men.†

* See *Chambers' Miscellany*, vol. i.

† The idea of employing the prisoners as jurors, will not appear more strange than as witnesses, except that it is unusual:—

"These may appear singular proposals, and I readily admit that the absolute

The application of marks in redemption from a time sentence, was forbidden in cases of second conviction: thus, while some were spurred on to labor by the prospect of earlier liberty, the older and worst offenders were rewarded in having at their own disposal the time they saved by extra exertion; too often injuriously passed.

The small extent of the island, and the absence of a free employing population prevented an uniform practical liberation of the prisoners: vessels were not always at hand, and thus tickets-of-leave were granted to prisoners, who were employed on small farms allotted for their use. The obstruction to rapid dispersion prevented the hope of liberty from acting on the imagination with proper efficacy. The experimental nature of the plan was injurious to its fame. It required constant adjustment: irregularities and excesses suggested new details, and gave to the movements of the commandant the aspect of vacillation.

The settlement continued under the command of Macnochie four years; during which time another Plan, known as the probation system, was launched on the sea of penal speculation. The destination of Norfolk Island was reversed: no more the school of reform, it was to be made the lowest

rights of prisoner jurors, and thereby their power of directly controlling the course of justice, might, without impropriety, be for a time somewhat restricted, though, if properly trained up to the privilege, and this latter confined exclusively to men in their last stage, they would very rarely, I am certain, be found wanting in what was required of them. But apart from this, the objects of interesting prisoners, when under a course of moral discipline, in the administration of justice, and of giving them confidence in its equity, are very important ones—perhaps not any in all their management are more so: and both are absolutely wanting now, and may well be so in the circumstances in which they are placed.

"In 1839, the year before my arrival at Norfolk Island, 811 cases were tried; of which only four ended in acquittal—such was the certainty at that time of conviction if accused. In 1840, I acquitted 90 out of 416 tried. (I was then, perhaps, too difficult about evidence, and in my inexperience carried abstract principle too far.) In 1841, I acquitted 25 out of 297 tried; in 1842, 24 out of 326; and in 1843, 16 out of 429. I was much in the habit of employing the officers about the court as a sort of jury, referring to them, though not formally, in cases of difficulty, and inviting them to ask questions. And I very early appointed an intelligent prisoner, in whom I otherwise had confidence, to speak for men accused of local offences, and make the most of their several statements, on condition, however, that he never said for them what he knew to be directly false. He thus served me very much, for what he did not say I sifted with the more care; and the plan altogether, and it is nearly that in the text, answered extremely well. It greatly improved the pleader himself: under the new impulses given to both his head and heart, he became almost a new man: while stupid prisoners, who could not speak for themselves, had as good a chance given them as the cleverest, and the latter, another very important point, had no better."—*Macnochie on the Management of Prisoners in the Australian Colonies.*

deep of transportation ; and well has its destiny been fulfilled.*

Sir George Gipps, in his address to his council,† announced that, after two years and a-half trial, it was found that the expense had greatly increased ; he had, therefore, resolved to transfer the prisoners from Norfolk Island to Van Diemen's Land. It had been at first contemplated to establish in that island not less than from two to four thousand men ; but this accumulation the ministers had found it necessary to abate : and he expressed his conviction that that settlement

* The following extract from Maconochie's pamphlet, may be taken as his plan, matured by experience :—

" The management of penal settlements should be as follows :—1. A fictitious debt of 6,000, 8,000, or 10,000 marks should be created against every man, according to his offence, which he should redeem by labour and other good conduct, having a proportion placed to his credit daily as wages, according to his behaviour, and suffering a loss by fine if he offends. 2. No ration should be allowed him of right, except bread and water : for every thing else, following up the analogy thus created between marks and money, he should be charged in them. 3. He should be allowed, however, thus to expend his marks for present indulgencies to what extent he pleases, but never to obtain his discharge, till from his labour and economy combined (both voluntary) he shall fully redeem his debt. 4. On first arriving at a penal settlement, for a period not under three months, but beyond that depending entirely on his own regularity and proficiency, and the acquisition of marks exhibiting them, his treatment should consist of moral, religious, and other intellectual instruction in a penitentiary. 5. After this, he should for a time not under eighteen months, but the period also depending on the acquisition of marks, serve in a mutually responsible party, labouring for government, and disqualified for any situation of trust, authority or indulgence under it, or for any private service. 6. After this, he should hold for not less than fifteen months (making three years in all), and beyond this till he has fully redeemed his marks and earned his entire discharge, a ticket-of-leave in the settlement. 7. In this last stage every reasonable facility should be afforded him to accumulate a little money against his return to society. For this purpose small farms or gardens should be let to men holding this indulgence, at moderate rents in kind :—any stock or edible produce they may raise on these, beyond their rents, should be purchased from them at fair prices into the public stores :—and a fixed proportion of them (3, 4, or 5 per cent. of the entire number of prisoners on the settlement) should further be eligible, as selected by their superintendent, to fill subordinate stations of trust in the general management, and receive (say) 6*d.* per day as money salary, besides the marks attached to their situations. (In my proposed regulations I suggest also another mode of giving the men a little money to take with them on their return to society—which is, perhaps, a little extravagant, and it would thus admit, at least, of modification ; but the point is very important.) 8. On discharge the utmost possible facilities should be afforded the men to disperse ;—and their final liberation, as well as every intermediate step towards it, should in every case depend solely on having served the *minimum* time, and accumulated the corresponding number of marks. No discretion on either head should be vested in any local authority. The whole arrangement should be, as it were, a matter of contract ; and the local authorities should have no other control over it, than to see its conditions on both sides punctually fulfilled."—*Maconochie's Management*, &c.

† 1843.

would be only reserved for the restraint of incorrigible offenders, and the punishment of aggravated crimes.*

Sir George Gipps deemed it necessary to visit Norfolk Island (1843). His stay was too brief for more than a superficial survey. His impressions, on the whole, were favorable. He found the men orderly, respectful, and contented. The "old hands," or colonial convicts, formerly subject to a discipline severe to cruelty, were softened in their demeanour. "Great and merciful as the amelioration, no evils had resulted equal to those prevented." The lash was disused: the men were permitted to walk abroad during their leisure; to fish or bathe; to mix sweet potatoes with their maize bread—an indulgence greatly prized; to use knives, and other conveniences before denied them: yet beneath these pleasing appearances a fearful demoralization was traced. The prisoners from Great Britain were exposed to examples of appalling sensual degradation: vices prevailed which have ever stained that island.

The colonial press, uniformly hostile, was crowded with grotesque delineations—a style of opposition, when not ill-founded, more fatal than the most bitter criticism. The politeness of Maconochie to his men, and which formed a part of his system, was the subject of constant humour: he treated them like gentlemen in distress; they regarded him as a patron and benefactor.† The recall of Maconochie had been contemplated from the publication of the birthday festivities of 1840: his administration was, however, prolonged until 1844, from the difficulty of finding a qualified successor.

The people of New South Wales, who regretted the abolition of assignment as a calamity, disapproved the scheme of Maconochie. The legislative council declared against the transportation of convicts to Norfolk Island, not only as hopeless in reference to the moral recovery of the prisoners, but tending to perpetuate all the evils of transportation without its advantages. They requested that prohibitory measures might be adopted to prevent them from entering the colony at the expiration of their sentences (1840).

* Address to the Legislative Council of New South Wales, August, 1842.

† "The whole island, we understand, is in a disorganised state, and thefts of every day occurrence. A few weeks since a boat (the second) was ran away with by nine convicts: one named Barratt, who a few days before he left the island had been charged with making a picklock, for the purpose of robbing the store, of which he was acquitted; and Captain Maconochie actually begged his pardon for allowing him to be locked up."—*Sydney Herald*, July 26, 1841.

The trial of the "mark system" in Norfolk Island during a period of four years, according to Captain Forster, totally failed. This was the most important element of Maconochie's reform discipline. The men, however, found means to render the accumulation of marks independent of individual conduct and moral reformation. The amount, which ranged from eight to thirty marks a-day, afforded ample means for corruption. Clever mechanics were rewarded for their skill; the strong for their strength. The convict clerks falsified the accounts; men transferred their marks to each other as a private traffic. Offences were mostly punished by the forfeiture of marks: blasphemy at thirty; insolence at fifty; and greater insubordination, two or three hundred. These are the representations of an officer hostile to the plan; but they are such as are probable in themselves, and are inseparable from every system admitting indefinite good conduct as a positive claim to liberation.*

The officers had been permitted to keep shops and to traffic with the prisoners; and, it was said, that a vessel was freighted from Sydney to supply them with goods. It was, however, asserted by Maconochie that the practice had prevailed before his time; that it was in harmony with the milder views which led to his appointment, and conduced to the development of social virtues; that the re-convictions of persons discharged from the island were one-third less than of prisoners trained in Van Diemen's Land. Captain Maconochie repudiated "the fearful conclusion, that to make men examples to others, it is necessary to destroy them, body and soul."†

Nothing could have been more ill-judged than the selection of Norfolk Island for the experiment. The detention of the doubly-convicted, men long practised in the vices of the island, was still more unfavorable to a moral reformation. The preliminary accommodations, directed by Lord Normanby, were not provided: even friendly officers were not secured; and had the scheme been ever so sound in its principles, its failure was inevitable. In retiring from office, Maconochie was permitted to recommend for indulgence all whose expectation of release was justified by his promises, and he left the island regretted by the prisoners. A total change was contemplated in the discipline of the place: Norfolk Island returned to its former character as the "lowest deep."

* *Comptroller-general Forster's Report, 1845.*

† *Observations on the State of Norfolk Island: Par. Pap. 1847.*

SECTION XXII.

LORD NORMANBY was succeeded by Lord John Russell, 1840. The decrease of transportation to Norfolk Island and Van Diemen's Land, was interpreted as an intention to terminate the system altogether. This was avowed in the usual organs of the government, and the colonists were warned* to prepare for the change which awaited them. Thus the total number arriving in Van Diemen's Land in 1839 and 1840, was little more than 2,000: less than one-fifth of the usual number transported.

Two thousand inhabitants of New South Wales made a last effort to recover their share in the benefits of convictism. They forwarded a petition to the British parliament, entreating the continuance of transportation for five years longer. Lord John Russell regarded their request as a strong argument against compliance; and a few weeks after settled the question by cancelling the order in council! The intention of Lord John Russell was to limit transportation to the worst class of offenders, estimated at 500 per annum.

Sir William Molesworth endeavoured to prevent the restoration of the practice, and proposed to supply the demand for labour by anticipating the land fund. The decision of parliament was precipitated by the contrivance of a friend of Captain Maconochie, Mr. Innes, who, in a pamphlet of considerable acumen and literary merit, set forth the value of his scheme. He asserted that the advantage of transportation as a reformatory and deterring system, notwithstanding the numerous experiments, remained yet to be resolved.† The House of Commons negatived the motion of

* *Courier*, February, 1840.

† The following eloquent and touching appeal closes this very able production:—

"I am well aware of the scorn with which the main principle recognised in these pages—the reform of the culprit, is regarded by many persons. I know that the task is pronounced a hopeless, visionary one. But, that a being *lives*, is a Divine authority for believing him not to be beyond hopes, in which his own reclamation is implied. That the task is not an easy one, is admitted; but that is the case in reference to every other end of penal institutions as well; and, is it really so very much more difficult to reclaim a criminal than any other man given to vice? I believe not;—criminals, I think, will be found even more accessible to religious influences, sympathisingly applied, than those whose errors have had a less equivocal stamp. Their apparent hardness of heart is not always the native hardness of the rock, but more often the frozen hardness

Molesworth (September, 1840), and the crowded condition of the hulks excited serious complaints. The House of Commons resolved that the sentence of transportation should be carried into effect, and the prisoners sent out of the country. Lord John Russell then observed that, although he admitted that it was desirable to send a certain number of convicts abroad, where after their liberation they might earn their own livelihood, "he was bound at the same time to consider the state of society, and not expose it to the evils likely to result from a disproportionate number of convicts." (April, 1841.) He announced that not fewer than 2,000 would be sent to Norfolk Island and Tasman's Peninsula.

During these debates, Captain John Montagu, the colonial secretary, was in England. The views of this colony were favorable to transportation under the plan of assignment: many, indeed, were anxious to obtain, through the old channels, the supply of labour so necessary to their prosperity. Montagu succeeded in removing some impressions at Downing-street, unfavorable to the colonial masters, and was welcomed as their successful advocate and general benefactor. At a public dinner, given to celebrate his return, all parties united in expressions of warm respect and gratulation. The roads, he observed, were to be made, public works to be completed, and labour to be abundant. When in England, it was said, "Mr. Montagu steadily pursued one object: transportation—no matter under what modification." The system of assignment had already terminated.

It had been determined that all new prisoners should be worked in gangs, and on their dispersion should receive two classes of tickets; the last giving them greater freedom. It had been recommended by the secretary of state, to compel the prisoners in service, to wear a badge; but this open mark of

of the ice, which the sun of human sympathies may melt again. The world, accustomed to judge them harshly, to see only their crime, and to see it without its palliations—to out-cast them, makes them what they become; when instead, a discreet humanity might have converted many, after a first transgression, into useful and honored members of society.

' The tainted branches of the tree,
If lopp'd with care, a strength may give,
By which the rest shall bloom and live
All greenly fresh and wildly free:
But if the lightning in its wrath
The waving boughs with fury scathe,
The massy trunk the ruin feels,
And never more a leaf reveals.'"

—*Secondary Punishments.* By Frederick Maitland Innes, 1841.

slavery was exceedingly offensive, and indeed, as a measure of police, exceedingly impolitic—not only calculated to degrade well-conducted men in their own eyes, but to facilitate recognition, and secret signs; and perhaps the confederation of a large class, whose numbers it was so desirable to disguise.

The probation system, initiated by Sir John Franklin in obedience to the orders of Lord John Russell, was intended to combine the principles afterwards extended by Lord Stanley with some of the advantages supposed to result from assignment. The former practice, by which the government transferred the prisoner without delay to the service of a master, left his fate to accident.

Sir John Franklin endeavoured to meet, as far as possible, the views of all parties. To carry out the plans of Lord J. Russell, he proceeded to form gangs of from two to three hundred men, and to locate them wherever it might be practicable to render them useful. The superintendence of the scheme he committed to Captain Forster, who at the same moment held the office of police magistrate, and whose administrative tact was highly esteemed. The effects appeared, at first, encouraging, and the despatches of Sir John Franklin gave promise of success; but in 1842 he found it necessary to recall the favorable opinion: he found that many great and formidable evils were rising into strength, and that the gangs had far from realised his anticipations in the moral improvement of convicts.*

It is probable that transportation would have been limited by Lord John Russell, had not a change of ministry thrown the colonies into the hands of Lord Stanley. This nobleman, who succeeded September, 1841, differed greatly from his predecessors. He hinted that the colonies were not entitled to separate consideration—scarcely to notice, in the discussion of this question. That the interest of the mother country was the final and sufficient object to regard; but he did not hold the common views of assignment. He thought that it had been far too hastily condemned. Thus it did not seem improbable that on his return to power the former system, so highly prized by the colonists, would be restored.

* November, 1842.

SECTION XXIII.

WHEN the new secretary of state saw that the probation gangs, formed under Lord John Russell's directions, were not attended with moral benefit, he attributed the failure to the defective supply of religious teaching, and not to the inherent qualities of the scheme. It became necessary to reorganise the whole plan, and to provide for the transportation of 4,000 men annually. Lord Stanley was greatly perplexed ; but Captain Montagu (dismissed by Sir John Franklin) and the attorney-general of New South Wales happened to reach Downing-street at the moment : in concert with them, Lord Stanley framed the celebrated "System of Probation," which has astonished the whole civilised world.

The employment of men in gangs, had been practised from the foundation of these colonies : they usually, however, consisted of persons under short colonial sentences, and who were only sequestered awhile from society. The distribution of ten or twelve thousand men over a settled country, in parties of from two to three hundred, and subject to an oversight not usually exceeding the ordinary superintendence of free labor, was indeed an experiment, and fraught with the most important consequences.

At the head of this scheme was a comptroller-general, appointed by royal warrant, who, as colonial secretary for the convict department, was in communication with the governor alone. Under him were superintendents and overseers, religious instructors, and all other subordinate officers. He was authorised to make rules for the government of the whole, and these were minute and elaborate ; and gave to the department the air of a great moral and industrial association.

The most severe form of this discipline was established at Norfolk Island, for the prisoners for life, or not less than fifteen years. For this purpose the island was relieved of persons entitled by the promises of Captain Maconochie to a more indulgent treatment, and the remainder were detained to assist in the preparation of buildings for the new plan. Thus the traditions of Norfolk Island—a complicated theory of evasion, artifice, pollution, and fraud—were preserved on the spot, and propagated through all the gangs located in Van Diemen's Land.

Persons sentenced for less offences, were transported to Van Diemen's Land: were formed into gangs, generally placed in close vicinity to the settled districts. Into these, men were drafted from Norfolk Island, when their first stage of probation was closed. The superintendents were instructed to keep a record of industrial and general improvements: the religious instructors were to insert a similar statement of moral and religious advancement. Thus it was expected, that at any instant the character and merit of every man might be known. The denominations selected to supply religious teaching were the episcopalian, wesleyan, and Roman catholic. The convicts having passed this probation were declared eligible for hire at wages, and entered the service of settlers. This portion of their progress was divided into three stages: in the first they were entitled to one-half, in the second to two-thirds, and in the last to their entire earnings. The masters were expected to pay the surplus into the hands of the crown; and the passholder was informed that the sum, if not forfeited by misconduct, would be receivable at his discharge, or in the event of death by his heirs. The fourth stage was revocable pardon, or ticket-of-leave: the holder could possess property, sue or be sued, and enjoy all the ordinary advantages of freedom, subject to police inspection. The last stage, pardon—conditional, or free: if the former, it removed the consequences of conviction in the colonies—if the latter, it had that effect in any part of the empire; but the enjoyment of this enfranchisement was made entirely dependent on the royal pleasure, and could not be demanded as a right. Such were the main provisions of the scheme: so fair in its outlines, so prodigious in its results.*

In describing the operations of the probation system, it may be desirable to trace throughout the branch established at Norfolk Island. Major Childs, the commandant in succession to Captain Maconochie, was nominated by Lord Stanley. His fitness for the office was assumed from his reputation as a strict disciplinarian: in this the minister was mistaken. It must not, however, be forgotten, that many of the most flagrant evils attributed to his administration, had existed at different periods during the preceding experiments.

The island was annexed by parliament to the government of Van Diemen's Land, and thus terminated a connexion

* Despatch of Lord Stanley, 1842.

with New South Wales, which had subsisted from the colonization of that country.

Captain Forster, who succeeded to the chief control, was hostile to Maconochie's system, and proceeded to interdict all the privileges he had been accustomed to grant. A gang system of labour was restored; the barter of food was forbidden; vegetable stalls, pork shops and general stores, herds of swine and private gardens, were swept away. Thus, to all the prisoners left behind by Maconochie, the new regulations were equal to an additional sentence.

Two classes of prisoners were sent to Norfolk Island under the new system. The doubly-convicted colonial prisoners, and persons sentenced in England to transportation for fifteen years or life: the accumulation of both was rapid. Many bushrangers and other capital convicts, were transmitted to that settlement, to whom the arts of a prison were fully known; who were celebrated as "flash" robbers; and who bore down by their tyrannical wickedness all the weaker or better men within their influence. The numbers on the island in 1845, were nearly 2,000; of whom one-fourth were colonial or doubly-convicted prisoners. For these rapid additions no preparation was made: the buildings in the island, adapted for prison purposes, were dilapidated and insufficient. In the sleeping wards, the hammocks were placed in contact: the men were shut up after dusk, from eighty to a hundred together, in charge of a convict wardman, until the morning. The place of promiscuous association was called the lumber yard, and was subject to the dominion of a "ring:" there old and new prisoners met; it was regarded as an *Asaltia*, or sanctuary. To arrest a prisoner there would have risked the life of the constable: attempts were sometimes met with concerted resistance: the whole body would surround the culprit, and draw their knives in defiance; in several instances the officers were assaulted with violence. The assembly of such numbers in one spot destroyed all authority: the officers did not choose seriously to infringe the privileges of the "ring." Those who gave information or evidence, did so at the venture of their lives. The harmless prisoners were the victims of oppression and rapid deterioration. At a station where the English and colonial convicts were intermixed, the colonial suffered various punishments, in three months 58 per cent., the English 30 per cent.; while the English separated from direct contamination suffered only about 18 per cent. Thus

contact evidently produced one-half the penal disorders of the English convicts.

The incapacity and corrupt practices of the officers were serious obstructions to their usefulness. Thus, they were found to traffic with the men ; to obtain their services under false pretences. The superintendents left the actual supervision of the work to the convict sub-overseers, who, had they been inclined to preserve order, or to enforce labor, would have been liable to vengeance.

The Rev. Thomas B. Naylor, chaplain, who quitted his employment in 1845, addressed a letter to Lord Stanley, describing the condition of Norfolk Island. This letter was intended for publication ; but being placed in the hands of Captain Maconochie, he transferred it to Lord Stanley. Mr. Naylor asserted that the regulations were neglected : the commandant, a good intentioned but blustering person, was utterly incompetent to secure obedience. Thus the island was ever on the verge of insurrection. Large gangs had succeeded by mutiny in obtaining terms with their officers : the commandant himself had been knocked down. Convicts of every grade were intermixed ; the fresh feelings of English prisoners cruelly insulted ; youths seized upon with abominable violence—*inter christianos non nominandum*. He described the parade of separation, classification, and religious instruction, as an elaborate scheme of delusion.*

The reports transmitted by different parties from Norfolk Island, were published in the colonial newspapers ; and the lieutenant-governor (Wilmot) was induced to issue a commission of inquiry, entrusted to R. P. Stewart, Esq., whose bold and faithful delineation of abuses more than sustained the rumours that prevailed.

On his return to head-quarters Mr. Stewart furnished a minute report. He stated that the reins of authority were relinquished, and that the anarchy and insubordination justified the fear that the whole island would be involved in mutiny and bloodshed. He considered the commandant deficient in the qualifications required by his arduous and perilous post. This report occasioned the utmost alarm, and the executive council resolved on the removal of Major Childs without delay.

On leaving Norfolk Island, Mr. Stewart, in obedience to his instructions, recommended the commandant to a more stringent discipline. Many colonial convicts, who consti-

* *Par. Pap.* 1847.

tuted the "ring," exercised a power over the less daring, which intimidated more than the authority of their officers, or the fear of punishment. The "flash" men conspired with the cooks to deprive their fellow-prisoners of their food, and were permitted to prepare in their own dishes the produce of their frauds.

To end this scandalous robbery of the well disposed, Mr. Stewart recommended that all should be deprived of cooking utensils, and receive their rations dressed. Unhappily the stores on the island were not sufficient to afford the stipulated quantity and kind of food. Many suffered from dysentery, which the medical officer considered to be aggravated by the state in which the maize was prepared. The sweet potato, which mixed with the meal so greatly improved the diet, was no longer attainable; pork was absurdly issued instead of vegetables; and the deficiency of proper food—a greater grievance than any amount of severity—provoked their murmurs and threatenings.

Among the leaders of the "ring," were Westwood, or Jacky Jacky, and Cavannah, both bushrangers, recently re-transported. They were both able to read and write, and possessed a sort of intelligence which renders such men more dangerous. The conduct of the English prisoners at the stations, where they were separated from the doubly-convicted, was far from disorderly, and punishments were rare. There was no lack of severity elsewhere. A stipendiary police magistrate, appointed shortly after the system was changed, organised a body of police: twenty-five thousand lashes were inflicted in sixteen months, beside other forms of punishment. The men committed to the gaol were often tortured: iron-wood gags were bridled in the mouth. Men were sometimes tied to bolts in the walls, the arms being out-stretched, and the feet in contact fastened on the floor: this was called the "spread eagle." The solitary cells, as they were named, were often crowded, and the men exposed to more than disease. Yet all this severity was useless for the purposes of discipline, while the precautions against violence and crime were comparatively neglected.

The apprehensions of Mr. Stewart were, unfortunately, realised. A murderous outbreak on the 1st of July, filled the settlement with terror. The constables were ordered, on the 30th of June, to remove the dishes and cooking utensils while the men were in the school-room. Westwood was calculating a sum: at the sound, he raised the pencil and listened; and a murmur passed through the classes: a

sullen gloom overspread the whole. The next morning they were mustered for prayers : their conduct was orderly. They then marched to the lumber-yard ; there they collected in a crowd, and suddenly moved to the stores, which they broke open and carried off their impounded dishes. They then returned to the yard, and Westwood told them that he was going to the gallows, and advised those who were afraid to keep back. Several armed with bludgeons; Westwood caught up an axe, and in a few moments four constables were murdered, some in their beds. The military were instantly called out, and in a very short time appeared, and the prisoners, without waiting a charge, retired to their quarters. When the account of these proceedings were received at Hobart Town, a special commission was sent down to try the rioters : thirteen suffered death.*

It is exceedingly difficult to determine to whom the chief blame of this fatal disaster belonged. The officers on the spot, whose testimony can be scarcely deemed impartial, alleged that it was chiefly due to the system of Maconochie : "when," said they, "the reins of discipline were tightened, the rage of the prisoners was unbounded." The police magistrate declared that he had all along expected such resistance : "before a more healthy state of things could be produced, a sacrifice would be made." It is, however, obvious that no such necessity could have existed, had the two classes of prisoners been divided, and proper military precaution secured.

On the 3rd of August, 1845, Major Childs was succeeded by John Price, Esq., formerly a police magistrate at Hobart Town. This gentleman, remarkable for his knowledge of prisoner habits, language, and artifices, was represented by the local government as unusually qualified to put down the disorders which prevailed. The greater number of the officers, civil and ecclesiastical, were dismissed or recalled ; and Mr. Price commenced his career with a vigorous, summary, and, it is said, merciless exercise of his authority. The agents he employed were, of course,

* The following was addressed by Westwood, on the eve of his execution :—
"Sir,—The strong ties of earth will be soon terminated, and the burning fever will soon be quenched. My grave will be a heaven—a resting place for me, Wm. Westwood. Sir, out of the bitter cup of misery I have drunk from my sixteenth year—ten long years, and the sweetest thought is that which takes away my living death. It is the friend which deceives no man : all will then be quiet ; no tyrant will disturb my repose, I hope.—WM. WESTWOOD."—*Letter to Rev. Thomas Rogers.*

liable to strong objections: they were chiefly persons who were or had been prisoners; some remarkable for their crimes. The clergymen stationed on the island exhibited the most serious charges against the new commandant, and the persons acting under his authority and encouragement.* Cruelties of the most atrocious description, and a toleration of evils of an appalling kind; but the often insane violence of the men, scarcely admitted of either much caution or delay. It could answer no purpose to collect the awful details. In part, these charges have been disputed; but their substantial truth is, at least, rendered probable, by the accumulation of similar facts in the history of such settlements.†

* *Correspondence relative to the dismissal of the Rev. T. Rogers.*

† "That I may not be supposed to speak heedlessly when I say that the gaol treatment, at the period spoken of, was of itself sufficient to derange men's intellects, I subjoin a few facts in proof of my assertion, taken from written communications made to me by several respectable officers with whom I am acquainted. The original letters are in my possession:—

EXTRACTS.

August 6.—Visited the general hospital; found a man named Lemon dreadfully beaten, and having his arm broken. It appears that constable Baldock was taking a man to gaol, charged with either having or using a towel irregularly. He threw his shirt to Lemon, and asked him to get it washed. Baldock would not allow him (Lemon) to have it. Upon this the man Lemon gave Baldock either a blow or, as he says, a push, when a number of constables fell upon him and beat him with their clubs. It was just as divine service was commencing yesterday evening. All the officers and constables left the church, except Mr. Duncan, and the "old hands" made a general rush towards the windows to see what was going on. Mr. Bott told me he interfered to cause the constables to desist after the man was down, but Baldock said "lay it into him—lay it into him." While down he was handcuffed with his hands behind him; after this he was taken to gaol and gagged two hours, with his hands chained behind him to the lamp post, having all this time his arm broken! He was then taken to the new gaol, and Stephens sent for the doctor who received him into hospital.

April 16 (Friday).—Had a long chat with Dytton. He was chained down to the floor by Mr. ——— order, and had been gagged. I asked the reason: he said for getting up to the window to get some air in the hospital cell, as the doctor had ordered him to have air and he was refused out. He has been ill at the general hospital—had six or seven weeks' sickness—has never been well since a beating he received while I was absent from the island. He was then in the chain-gang. Some pegs had been removed upon which he hung his clothes and rations. He abused the gaoler for removing the pegs; was gagged and taken to the new gaol, and chained down; was then dreadfully beaten by six or seven constables. He lay in a puddle of blood. The next day a constable came in and jumped upon him, and severely hurt his chest: he pierced his body with a piece of sharp iron or steel. He showed me a scar on his arm he had received on that occasion. He said Mr. Elliot came to the cell and found him in that mutilated condition, and asked ——— when it was done. ——— replied, "he received a portion yesterday and a portion to-day."

August 6, 1847.—Visited the gaol. Found Waters strapped down on suspicion of having prevented his eye from recovering. His back was bad, having been flogged, and the cord which laced the straitwaistcoat which they put on

The dismissal of the chaplains occasioned a long and painful controversy. The reports of their conduct appear to have been hastily collected ; often dependant on testimony

him pained him much. His eye was very bad. He was laid on his back, bound unable to stir hand or foot, and in an agony of pain from the pressure of his lacerated back on the lacing cord. Having asked to see Major Harrold as a magistrate, he said to the turnkey, " if I am guilty of injuring myself let me be punished ; but if not, why am I strapped down ?" For saying this he was flogged ! He told me that Dr. Everett said he did not think he had done anything to his eye. I saw him again soon after : he said his back had stunk most offensively, and through the intercession of the turnkey Mr. Price had allowed the cord to be removed ; but his hands were chained to the foot of the bed. He had received a sentence of eighteen months on the reef in chains. [Note : Some of these chains were 36lbs. weight ; and on the reef the men had mostly to work up to the middle in water.—T. R.]

" In one of the turnkeys' rooms in the new gaol is to be seen an article of *harness*, that at first sight creates surprise in the mind of the beholder, when considering what animal of the brute creation exists of so diminutive a size as to admit of its use ; but on enquiry it will be found to be a bridle, perfect in head band, throat lash, &c., for a fellow creature. There is attached to it a round piece of ironwood of almost 4 inches in length, and 1½ in diameter ; this again is secured in a broad strap of leather to cross the mouth. In the wood there is a small hole, and, when used, the wood is inserted in the mouth, the small hole being the only breathing space ; and when the whole is secured with the various straps and buckles, a more complete bridle in resemblance could not well be witnessed. This is one of Mr. ——— instruments for torturing the unhappy and fallen men, and on one occasion I was compelled to witness its application on a poor blind wretch, named Edward Mooney. My duty required my attendance at the gaol occasionally. I came in one evening after eight o'clock. I was conversing with one of the turnkeys ; the notorious ———, who robbed Mr. Waterhouse of £700, was present ; he also at that time being a turnkey, holding a third class pass, and in receipt of 2s. per diem. Everything was quite still. I could not help remarking how quiet the gaol was, when the said ——— exclaimed, ' there's some one speaking ; I know what b—— it is ;' and forthwith took from its pegs one of the bridles just described and a pair of handcuffs. I followed him to one of the cells which he opened, and therein was a man lying on his straw mat undressed, and to all appearance asleep. ——— desired him to get up, calling him by his name, and to dress himself. He did so, and came out into the yard, where ——— inserted the ironwood gag in his mouth, and the sound produced by his breathing through it (which appeared to be done with great difficulty) resembled a low indistinct whistle. He then led him to the lamp post in the yard, placing him with his back to it, and his arms being taken round were secured by the handcuffs round the post. As the night was very chilly, I buttoned his jacket up to the throat, speaking at the same time a few words to cheer him, that brought tears from his sightless eyes, to think that some one felt for his miserable and forlorn condition ; and this convinced me still further, that even the most hardened villain can be melted by kindness, however trifling. Having enquired how long he was to remain in the condition described, I was told three hours !"

" Perkins had another drubbing some time since coming out of church. ——— a prisoner constable, was the first to fall on him, and after him a host who soon covered him with blood and wounds, for not walking in a proper manner out of church. And the commandant allowed this drubbing to stand as a sort of instalment of punishment when the man was brought up for trial. On account of the beating he received a lighter magisterial sentence. Mr. ——— told me one day that the commandant censured the conduct of the constables who complained of some man not opening his mouth to have the inside of it searched for

which would never be received elsewhere, unless strongly corroborated. The entire spirit of convict government is almost inevitably modified by its penal purpose. The in-

tobacco. It seems they were deemed blameworthy for having in this instance neglected to use violence. 'Why didn't you knock him down like a bullock?' was the interrogatory at Norfolk Island."—*Correspondence*, pp. 41, 42.

"Before Mr. Price's arrival I resided for twelve months on the Cascade station. Its strength was between three and four hundred men. I have known this station to continue twenty days without a single case requiring the intervention of a magistrate. Within three months after Mr. Price's arrival, I have known forty cases for the police-office on one single morning! Many of the men thus brought up were sentenced to solitary confinement, and sent to the Longridge cells—our own not being sufficient to contain a quarter of them. The Longridge station had a strength of five hundred men, and the united solitary sentences of both stations often trebly filled the Longridge cells. I have frequently found in my daily visits as chaplain from twenty to forty men confined by threes and fours in the Longridge cells, doing what was called 'solitary';—three men sleeping together on the floor of a cell four and a half feet wide by seven feet long. For pulling a lemon or guava—for laughing in the presence of a convict policeman—for having a pipe—for wearing a belt or button not issued by government—for mustering in dirty trousers on Sunday, although to wash them the owner would have to go naked all the Saturday afternoon—for having half or a quarter of a pipefull of tobacco—for offences the most trivial, and sometimes on false charges—the most inoffensive and best behaved men of Cascade and Longridge were often to be found filling up the cells which might otherwise have been set apart for the custody of some of the grosser criminals who were tried at the assizes. . . . The convicts selected as constables were like a ruthless band of predatory assailants, seizing their fellow-prisoners under any and every pretence, in order to have 'cases for the police-office!' A first-class officer overheard the following speech uttered by a convict policeman:—'I have no case for court this morning—what will Mr. ——— say to me? But a case I must have—and a case I will have—and here goes!' This policeman proceeded with another into the bush, and in an hour returned bringing in two men on a capital charge. On the evidence of their captors alone these two men were committed to gaol, tried at the assizes, and sentenced to death. By whom were the police compelled to such activity? By Mr. Price. His opinion, publicly expressed, was, that a policeman could not be doing his duty unless he had 'cases for court.'"—*Ibid*, pp. 88, 89.

"A short analysis of the abstract would quickly strip the favored '25' of some rays of their infamous glory, and do more to expose the blunders, follies, and ferocious inhumanities of convict discipline than volumes of concocted reports and oracular despatches. From his position, Dr. Hampton must know that under the name of *discipline*, deeds have been done sufficiently atrocious to glut the soul of a Caligula. He knows that the perjuries and punishments about tobacco were sins that cried to heaven for abolition. He knows that in every seven cases out of ten the convicts at a penal station are more sinned against than sinning. Nothing is required to prove this but a critical inspection of their 'police sheets.' In the court-house at Hobart Town, a youth, E— G—, aged 19, was on his trial for a capital offence. The crown prosecutor referred to the prisoner's *bad character* as exhibited by the unusual number of offences on his police sheet. The judge asked to see the parchment. While looking at it, G— said, 'Your honor, the whole of them wouldn't make one ——— good one!' For a few moments the judge continued to examine the record, and then flung it on the floor of the court-house with an expression of disgust at the childish nature of the 'trifling offences' set down as serious crimes."—*Review of Dr. Hampton's First Report on Norfolk Island: By Rev. T. Rogers*. p. 21.

stances are rare where a clergyman, acting in harmony with the design of the gospel, could escape the censure of men who look on prisoner piety with habitual suspicion and disdain, and who consider "doing duty," both the obligation and the limit of the clerical office. Thus when a prisoner desired to receive the sacrament, although a man of respectable origin and quiet demeanour, he was sent to the church in charge of constables, while men of far different habits were occasionally indulged with considerable liberty.

The constables were afraid for their lives: many of them, when the discipline became rigorous, implored to be removed from their office. One was sentenced to chains, for declining to be sworn; another, who had given evidence, entreated a discharge: he was refused, and was murdered. The civil commandant, Mr. Price, himself did not dare to neglect his personal safety, and appeared with loaded pistols in his belt.

When these accounts reached Downing-street, the abandonment of Norfolk Island was determined. The secretary of state having read the letter of Mr. Naylor, requested the lieutenant-governor to break up the establishment without delay: to withdraw the whole population to the settlement of Tasman's Peninsula, at the time a secondary penal station in Van Diemen's Land. No discretion was allowed in the execution of this imperative instruction. On further reflection, however, Earl Grey qualified his order.*

When the proposal to vacate Norfolk Island, and to settle the prisoners in this colony, became known, the inhabitants manifested the strongest indignation. Their views coinciding with the wishes of the local authorities, were received with respect, and the lieutenant-governor decided to delay the measure until the secretary of state should be fully informed. The administration of Mr. Price had quelled the mutinous temper of the convicts, and the removal of the better class had greatly diminished the number. The desirableness of an island prison to punish colonial offences, and obstinate insubordination in the English penitentiaries, overcame the intention to desert once more that spot, so celebrated for its natural beauty and moral pollution (1849). The reader will not, however, confide in present appearances; but will expect a repetition, at some future day, of those startling disclosures which have several times filled the world with horror.

* Despatches, 30th September and 7th November, 1846.

The attempts of the convicts to overthrow the authorities have been numerous. Three years after the re-occupation of the island (1827) a large body murdered the guard, seized the boats, and crossed over to Phillip's Island. Seventy were engaged, and their number screened them from the capital penalty. In 1834, a still more sanguinary attempt issued in the instant loss of several lives, and the execution of eleven men. It was on this occasion that Mr. Justice Burton sat as judge: when he heard the appeal which "brought tears to his eyes, and wrung his heart;" and which, recorded by the famous anti-transportation committee of the House of Commons, told with such power on public opinion. The culprit being brought up for sentence said—"Let a man be what he will, when he comes here he soon becomes as bad as the rest: *a man's heart is taken from him, and there is given him the heart of a beast.*"

Such has been always the result of capricious severity; and not only to the prisoners—to the ministers of vengeance might often be extended, without injustice, the appalling description.

The administration of law at Norfolk Island was but a choice of difficulties. Special commissions were of late sent down, when cases were urgent or numerous. The temptation to risk life for a release from toil, or the excitement of a voyage, was thus removed. But at this settlement the formalities of justice were but a slight security for its fair distribution. The value of an oath was less than the least favour of the authorities; the prisoners without counsel; the jury taken from the garrison. A convict attorney was occasionally permitted to advise the accused; but in the case of the July rioters such aid was denied, and several who were convicted, died protesting their innocence. During the assize, one judge sat with the military as an assessor, under the old law of New South Wales; a second, under the law of Van Diemen's Land, which appoints a jury. Capital convictions were thus obtained by a process, one or the other, totally illegal. These would be deemed slight considerations, taken separately; but it is difficult to be satisfied with a trial, in which all, except the judge, may be interested in the prisoner's condemnation. Substantial justice will not be long secure, when its usual conditions are either evaded, or are impracticable. A civilized nation would release the culprit rather than condemn him in haste, and the judge is criminal who smites contrary to the law, though he smites only the guilty.

SECTION XXIV.

BUT Van Diemen's Land was the chief sphere of the probation system. The colonists, at first, were not indisposed towards the experiment: the promise of an unlimited expenditure and a boundless supply of labor reconciled them to its gigantic proportions. It assumed the air of philanthropy: Sir John Franklin, when he announced the first outline of the scheme, referred to the redemption of the negro slave, and said—"that England was about to incur a large expenditure in the attempt to emancipate her erring children from the infinitely more degrading slavery of crime."* This picture was fully borne out by Sir James Graham, who observed, in reference to the probationer—"New scenes will open to his view, where skilled labor is in great demand; where the earnings of industry rapidly accumulate. The prisoner should be made to know that he enters on a new career. The classification of the convicts in the colony (of Van Diemen's Land), as set forth in Lord Stanley's despatch, should be made intelligible to him. He should be told that he will be sent to Van Diemen's Land: there, if he behave well, at once to receive a ticket-of-leave, which is equivalent to freedom, with the certainty of abundant maintenance, the fruits of industry."†

In describing the probation system it is not necessary to do more than state its general aspects and acknowledged results. The publications in the colonies and the official documents substantially concur, and with minute controversy history has no concern. To view the subject with the prejudices of a party would be treason to those important interests affected by the question. Crime will still be committed—and its treatment, the great problem of the age, is the business of all men.

The comptroller-general, Captain Forster, who obtained his appointment by the influence of Captain Montagu, entered on his office when Sir Eardley Wilmot arrived (1843), and re-modelled the practical measures of Dr. Milligan, who for a time, under the auspices of Sir John Franklin, had possessed the chief command. Captain Forster was too well acquainted with discipline to entertain the smallest expectation of ultimate success. Among his friends he expressed his

* Address to Council, June, 1841.

† Sir James Graham, December, 1842.

distrust without reserve : but believing the home government irrevocably pledged, he concluded that penal philosophy was not his affair ; and, not without reason, that he was better qualified than a stranger to mitigate the natural tendencies of the system. He had not been consulted in its structure : he did not hold himself responsible for its errors or results.

During four years, ending in 1844, more than 15,000 prisoners arrived : in 1847, there were, in all, 30,000. Free emigration was stopped. In 1842, 2,446 emigrants landed ; in 1843, 26 ; in 1844, only 1.* The greater number of transports under short sentences became almost immediately eligible for hire, who were at first preferred by the farmers to free men. The free laborers rapidly retreated to the other colonies. Gangs of probationers were formed throughout the country. Their locations were chiefly selected with reference rather to their easy accommodation than their useful employment. A few large gangs were established beyond the settled country, but the greater part were lodged in the old buildings erected for the use of road parties, and ill-adapted for either moral or industrial operations.

Van Diemen's Land was supposed by the crown to be peculiarly fitted for the experiment : an area nearly equal to Ireland, occupied by little more than 50,000 inhabitants, appeared to offer ample room for the stations. It was not considered that the free population was condensed chiefly within a line of country between the Derwent and Tamar, or on the borders of those rivers ; and that however a temporary location might be chosen, the settled districts must ultimately absorb the pass and ticket holders. Most were within a few hours, nearly all within a day's journey of the free population. The ample supply of food ; a system of moral training, which devoted considerable time to books and pencils ; a decided discouragement of strictness in discipline and severity in punishment, removed the temptation to rebel. The chief grievance of the prisoners was the prohibition of smoking, often indeed evaded by the connivance and assistance of the overseers ; yet, while at some stations indolence and plenty prevailed, at others, remote from the public eye, misery and vice existed to an extent too awful for more than mere reference. At the coal mines the men were robbed of their provisions by their fellow-prisoners ; new clothing was not issued until they were in

* *Report of Emigration Commissioners.*

tatters; hundreds were without shirts, scores without shoes, and some only wrapped round with rugs (1843). These evils were certainly not lasting; but they have been by no means unfrequent at stations remote from the capital, and from the notice of the press.

The colony did not afford a sufficient corps of able and conscientious superintendents: many were military and naval officers, qualified to control, but utterly unable to instruct. The quiet movement of the vast system was earnestly desired by the local government: its effects would, of course, be inferred from the absence of punishments; and it was understood by the lower officers, that the shorter their black lists, the more agreeable their periodical reports. It was stated by the comptroller that they were engaged to carry out the system, not to condemn it; and disaffection ended in dismissal.*

The rapid increase of numbers disconcerted the comptroller. The new arrivals were sent to crowd the stations of their predecessors: order, and even decency, were impracticable. The accommodation of the officers was often miserable: too distant for proper inspection.

As the men removed from Norfolk Island were added to the gangs, their tendencies became more alarming and apparent: they were of the worst possible description, and defied all remedy.† No artifices of language will enable the moralist to describe them.

The mean pay of the officers, their uncertain tenure of office, and the nature of their duties, would only attract candidates for employment as a temporary expedient. The control of considerable bodies of men, under favorable circumstances, demands both vigilance and firmness. The prisoners perceive, almost at a glance, the character of their superiors: their history and habits are the theme of constant inquiry and discussion. An equal temper and unwearied attention are required in this arduous occupation. But the persons engaged were often wholly disqualified by their past pursuits and personal character, to inspire either awe or respect. The practical oversight was often committed to the least responsible.

* "It is but just for me to observe, that the state of various convict establishments, inquiring into the conduct of the various officers engaged, was not so generally unfavorable as I had been led to anticipate. The negligence and irregularity of subordinate officers cannot be denied."—*La Trobe's Despatch*, November, 1847.

† *Forster's Report*, 1845.

The religious instructors selected by the government, though chiefly of the episcopal or catholic professions, were of miscellaneous origin. The clergy of all persuasions were formerly admitted to the road parties; their discourses were welcome, for they gave an interval from toil: some performed service on the sabbath at their own charge. The new instructors were strictly official: some, indeed, highly educated men, of long standing in their respective churches; others were the off-shoots of various sects, without education or personal dignity. Of their qualifications, several high officers have spoken with contempt.* These opinions were, however, partly the indirect result of disputes, in which the instructors were very generally involved. Several were known to convey accounts of evils within the stockades, which it was the desire of the department both to conceal and to suppress: notwithstanding, many were deficient in zeal and ability. Their labors were strictly formal, and were soon considered hopeless. Several exceptions must be understood; but to select them would be invidious. The exclusive occupation of clergymen as teachers of convicts, is generally unfavorable to their usefulness: the recognised pastor of a congregation brings to the prison the reputation and sanctity of his character among the free; the instructor of a gang is soon considered but as the agent of penal government.

The basis of Lord Stanley's system was an imaginary demand for labor in Van Diemen's Land. The home government was so confident in this resource, that placards were suspended on the English prisons, holding forth the prospect of high wages as the final stage of transportation. The execution of public works in the colonies, except at an equivalent price, was strictly prohibited. By improving the settled parts of the colony, the crown might have increased its attraction to capitalists, and by diverting an excess of laborers excited the competition of masters. The governor was desirous of allaying colonial irritation by some substantial boon: the orders of Lord Stanley were, however, rigid. The comptroller-general was forbidden to adopt any detailed regulation at variance with the scheme prescribed by the crown, or to alter or depart from its provisions, without express authority.†

* Despatches: Sir Eardley Wilmot, acting Lieutenant-Governor La Trobe, and Governor Denison.

† Despatch, 1843, No. 34.

The demands of the settlers for laborers soon fell far short of the supply. The written contracts for the passholders in the first stages of service bound the master to pay over a portion of their wages to the crown : this course was troublesome. Thus few, except in the last stage of their service, were able to obtain employment at all ; and the graduated scale of payment fell to the ground. The accumulation at the hiring depôts, sometimes to the number of 4,000, who could obtain no engagement, induced the governor to urge their useful employment in public works. He stated that neither private individuals nor the colonial treasury could afford to employ them in improvements of prospective utility, and recommended that a fixed moderate payment should be accepted, in return for the service they might perform. The reply of his lordship was decided :—"If," he observed, "the free inhabitants cannot purchase the labor we have to sell, at a price which it is worth our while to accept, it remains for us to consider whether other advantageous employment cannot be found." "The necessities of life may be produced to such an extent, as to render the convicts independent of the free colonists, who are not entitled to claim any compensation for the inconvenience with which their presence may be attended." His lordship proposed that new lands should be surveyed, cultivated, and sold for the advantage of the imperial treasury ; and thus the government might assert "its independence of the settlers," and teach them to "appreciate correctly the value of convict labor."*

The defiant tone of this despatch, and its contemptuous reference to the settlers, determined the question of transportation.† The partizans of abolition could assail the system at its foundation. Thenceforth the interests of the colonists, moral and material, were obviously one. The crown was to compete in the market with the farmer and the landowner ; and the labor market to be overruled by official contrivance, for the benefit of the imperial treasury.

The colonial newspapers were filled with notices of robberies, and the complaints of employers. A rapid emigration took place : free laborers and mechanics sold their properties, acquired by years of toil, often for a trifling sum ; and the immigrants, brought to the colony at great public

* Despatch, 1844.

† The proceedings of the colonists, in reference to this question, will be found in the first volume of this work.

and private cost, almost universally passed over to the adjacent communities.

The comptroller-general attempted to carry out the supplementary plan ordered by Lord Stanley. Agricultural establishments were formed; but this only provided for the probationers. The passholders were entitled to enter the service of the settlers. To detain them twenty miles from the nearest farm-house, was to extend indefinitely the first stage of punishment; but when drafted to the settled districts, they could not be employed,* except for the benefit of the colony, and against this resource the decision of Lord Stanley was imperative.†

The hiring dépôts were placed in settled districts or chief towns. The stage of rigid discipline being past, the convicts were not required to labour with diligence, or suffer much restraint. They were now deemed fit for society, and it was merely the fault of their numbers that many were unemployed. They were permitted to roam about in search of casual employment—to spread themselves over the country. They were allowed to expend the money they acquired in temporary service, and while any remained they were unwilling to accept an engagement. Thus they were fed and clothed, and lightly worked: they were free from care, their time was running out, and they were objects rather of envy than commiseration.

The official reports of the probation system forwarded to Downing-street, were not unfavorable. Lord Stanley asserted in his place, "that from all he could judge the system had been productive of the most beneficial results, and that the general conduct of the convicts had been most satisfactory;"‡ but in his despatch to the governor, he complained that, amidst an abundance of statistics, the notices of moral success were "slight, unimportant, and few."§

The operation of the system was, however, well known to his lordship. The under-secretary, Sir J. Stephen, with extraordinary exactness, described the actual condition of the prisoner population—"living, not by a healthy competition for employment, but by an habitual and listless dependence on the public purse." He depicted the apathy and indolence, the low tone of moral feeling, the lamentable

* *Forster's Report.*

† "Employment, in many cases, appeared to be merely devised, because whether to the real advantage of the military chest or not, they are certainly not to the colony."—*La Trobe, November, 1847.*

‡ March, 1846.

§ September, 1845.

and degrading habits which prevailed; and asserted that in the hands of Lord Stanley, were proofs of an existing state of convict society, such as would be contemplated with deep solicitude. It may not be impossible to reconcile in detail these official and parliamentary declarations; but, taken alone, they would lessen our confidence in the value of ministerial explanations, not less than in official reports.

The comptroller-general stated that the system would not only prove beneficial to Great Britain, but work a great moral reformation in the convict population: * "that it had fully answered its object." These assertions were confirmed by the governor, who remarked, "that the men behaved as well as possible." Such views were strongly opposed by other testimony; among the most conspicuous was that of Dr. Hampton, surgeon-superintendent of the *Sir George Seymour*, who, charged with the care of a party from Pentonville prison, resided some time in the colony. He described the prisoner population as sunk in the deepest debasement; the ticket-holders in great misery; the reformed prisoners committed to the charge of felons; the better disposed taunted as "pets, psalm-singers, and Pentonvillains." Whatever had been most strongly affirmed by the enemies of the system, was amply sustained by his testimony.†

To the same effect was the evidence of Mr. Boyd, formerly of Pentonville, and appointed an assistant-superintendent to Darlington, Maria Island. This station was regarded by the government as superior to all. Separated entirely from the free population, it was accessible only by authority; yet close to head-quarters, it had the advantage of direct inspection and control. There were, at this time, 800 persons subject to twenty-one officers, civil and religious. Not a single soldier was on the island, and yet there were "no prisoners more orderly, or better behaved, in Van Diemen's Land."‡ This reputation it maintained, while the stations of Rocky Hills and Broad Marsh, were infamous for the abandonment of all order and decency. "Few could be favorably compared

* *Forster's Report*, 1844.

† "Under all the circumstances of the case, therefore, I cannot find language sufficiently strong, to express my opinion that convicts, considered deserving of any indulgence whatever, ought not to be sent to Van Diemen's Land; . . . for, in my opinion, it would be more just and humane to shut up Pentonville Prison at once, than to pass men through such a course of training, only to discover, on arriving here, that their previous expectations are a mockery, their present prospects worse than slavery, and their future moral ruin and contamination nearly a certainty."—*April*, 1845.

‡ Sir Eardley Wilmot's despatch, 1846.

with Darlington, and none possessed its local advantages."* But the interior, as described by Mr. Boyd, entirely changes the scene. He declared the precautions against corrupt intercourse insufficient and unsuccessful: the most disgusting language was common; hoary villains and boys were worked together; the school books were torn and defaced; education was mere pretence; a large proportion of offences were unpunished; lashes were received in hardened indifference; the criminal habits of the men were unbroken; conspiracies to murder were frequently denounced. On the whole he concluded, that there could exist no better school of crime than a probation station.†

The laxity which prevailed was everywhere confessed, except by the immediate dependents of government. The Rev. Mr. Fry, a clergyman of Hobart Town, differed, however, with the colony in general. His earnest defence of the probation system (1845) was published by command, and quoted by Lord Stanley in the House of Lords. He asserted that the convict population had placed the settlers in ease and opulence; and that the bulk of the colonists were emancipists, who were bound to assist the condemned outcasts of Europe to acquire honesty and independence. "The clank of chains," said the reverend gentleman, "is now seldom heard, and the deportment of free laborers, grateful and respectful, has succeeded to the scowl of malignity, with which the assigned white slaves regarded their owners." He asserted that the gangs recalled the men from intemperance; that they were attentive to religious teaching; that the parties, although almost abandoned to self-discipline, yet lived tranquilly, unawed by surrounding force. These opinions were afterwards modified.‡

Notwithstanding the habitual acquiescence of the colonists

* La Trobe's despatch, 1847, No. 18.

† Letter to Dr. Hampton, 1845.

‡ The writer thus records his opinion in 1850:—"If transportation were discontinued, and the colonists, under a free government, were allowed to exercise their own intelligence and develop the resources of their country, the stain and evils of having been the receptacle of criminals would gradually and speedily disappear. . . . For nearly ten years have the colonists been struggling to relieve themselves from the annual importation of criminals, and throughout that long period they have displayed a spirit and disposition worthy of the highest admiration. Regardless of the profits of convict labor, and of the immense government expenditure, they preferred any sacrifice to the continuance of what they considered demoralising their community. In future ages their conduct will be regarded as one of the few examples of a people struggling against temporal advantages for morality and virtue; and if the desire of removing a grievous injury, and aiding the sufferers in recovering from its effects, be a noble feeling, the people of England are bound to afford their

in the measures of the crown, the development of Lord Stanley's system occasioned considerable sensation. The rapid increase of prisoners early excited alarm. The masses accumulated from all parts of the empire presented a new and fearful aspect: crimes reached a height beyond example in any civilised country. The settlers, environed by parties, were subject to frequent irruptions, and were compelled to guard their dwellings, as if exposed to a foreign enemy. The men wandered miles from the stations, alone: at the hiring depôts they were left almost to their discretion. According to the evidence of a magistrate, neither the comptroller-general, nor any confidential subordinate, visited the station of Cleveland from its establishment to its dissolution. At another, ninety men, near the township of Oatlands, under the charge of one free overseer, were worked in a line of seven miles extent. A settler, whose flocks had been pilaged, brought back twice in one month the same party; and again they escaped, threatening vengeance on the authors of their arrest. At Jerusalem station, 800 convicts were permitted to roam on their parole; to carry bundles in and out of barracks unsearched; to disguise their persons, and to change their dress. Their daring highway robberies ended in the proof of these facts before the supreme court at Hobart Town. At Deloraine, nearly one thousand prisoners were in charge of twenty persons, including the military: on one occasion, eighteen started for the bush, and filled the neighbourhood with terror. The local authorities could offer nothing but condolence; and even this poor relief was presented in a peculiar form. It was alleged that the amount of depredation and violence had not risen more rapidly than the number of convicts. This was scarcely correct; but it was little consolatory to the sufferers, assailed so much the more frequently, though by different hands.* Their honors

powerful sympathy and assistance to the inhabitants of Van Diemen's Land."—*A System of Penal Discipline, with a Report on the Treatment of Prisoners in Great Britain and Van Diemen's Land.* By the Rev. H. P. Fry, A.B.

* "A settler in the interior loses a quantity of sheep: whether correctly or not, he believes that they are stolen by probationers. Perhaps they are sold, perhaps they are slaughtered, and the wool 'planted.' He finds two members of the gang wandering over his grounds: he suspects, challenges them, and on their refusal to withdraw, attempts to arrest them. One of them seizes him by the throat, and threatens his life: the timely appearance of his brother enables him to secure them both. He conveys them to the station, lays before the magistrate a charge, who sentences them. They are turned out among the gang, without special permanent restraint, and abscond again. Our readers may fancy this to be mere romance, but every word of it is truth, and the detailed account will be found in another column. The place is Oatlands; the com-

the judges, with repeated and pointed condemnation, reprehended the utter want of proper surveillance and restraint,

plainant, Mr. Wilson; the time, last week. Let us look at this case. A settler who bought his land from the government, finds in his neighbourhood ninety convicts, in the charge of a single overseer. His property, and it is impossible it should be otherwise, is subjected to daily depredation. And who is the real robber? Who, at least, are the more accountable parties? The men whose known propensities have occasioned their transportation—the unfortunate overseer, whose life hangs upon his connivance or indifference—or the government, which, knowing all these circumstances, exposed the men to temptation, and the settler to ruin? And what will be the result of all this? The unfortunate settler will chafe, murmur, and implore, but he must, at last, gather together the remnant of his property, and escape for his life!"—*Observer, March, 1846.*

"In another column will be found the proceedings of the criminal court. The puisné judge, in passing sentence on the prisoners, said 'it must be remembered that there are from 20,000 to 30,000 men spread throughout the country, whose increasing offences require that some signal examples should be made. I am sorry to say that crime has increased amongst this class very considerably within the last two or three years.' After dwelling upon the absolute necessity that the executive should rigidly carry out the sentences of the court, he added, 'I am sorry to say that within the last two or three sessions some twenty or thirty cases of this description (cutting and wounding) have been tried in this court, as great a number as were formerly tried in two or three years, and also of a more aggravated character.'"—*Ibid.*

"The evidence of Mr. James Arnold Wheeler, the superintendent of the St. Mary's Pass station, exposed some of the beauties of the system. A hawker was robbed within about a mile of the station under very aggravated circumstances, by men in the dress of probationers. It was, of course, important to ascertain who was absent from the station at that particular period, and Mr. Wheeler stated that he could not tell, as all the third class had liberty to roam about within hearing of the bell, about half a mile in any direction from the establishment. When asked by the judge what prevented the men from going further if they pleased? he replied, 'nothing, provided they returned at a certain hour.' His honor shook his head in silence."—*Examiner, 1846.*

"During the trial of John Burdett in the supreme court, on the 2d instant, for robbery, the prosecutor, an old man between 60 and 70, swore that he had been robbed (his property taken) seven times since last Christmas; that his bed, rug, and blanket had been taken from his hut; that he lived a mile and a-half from Oyster Cove probation station; that he was reduced to such straits that he now depends on his neighbours for a little bread to eat; that the superintendent's lady had given him a rug and a blanket, but he had nothing but straw to sleep upon. There is only an open four-rail fence outside the station to confine the prisoners after they are let out of their sleeping cells. Mr. Justice Montagu commented, with indignation, upon the total want of restraint upon the probationers, and of protection to the poor settlers in the neighbourhood of the station; and expressed, in feeling terms, his sympathy for the prosecutor's distress and losses, and kindly declared that, if the old man would prepare a petition, and forward it to him, he would take care that the clerk of the court should give the jurors an opportunity to join in it, and would use his best endeavours with his excellency the lieutenant-governor, who, he was sure, would feel happiness in extending compensation, if it were in his power. In passing sentence of transportation for fifteen years (the lightest which the law permits in cases of robbery), his honor protested that, considering the position of the prisoner, placed in a probation station but having no restraint laid upon him to prevent from going in quest of luxuries and comforts, he would be fain to pass a lighter sentence. He felt the inefficiency of the sentence that he was about to pronounce, but he had no alternative. Accordingly he passed the mitigated sentence of fifteen years transportation."—*Courier, September, 1846.*

as cruel alike to the settlers and the convicts. Nor were the towns exempt from extraordinary inundations: many hundreds of men were turned out from the penitentiary on Saturday afternoon, and were thus exposed to the temptations of a populous city.

The officers of the department were charged with the trial of a system professing to breathe the most exalted charity. Had they, however, designed to expose theoretical benevolence to endless execration, no course could have been chosen more obvious. The liberty and indulgence given to the unfortunate prisoners seemed to bring them purposely within the circle of their old temptations. Many were led into scenes which act with fascinating power on men of criminal tendencies: they were often seen lingering for hours around the doors of houses for the sale of liquor. Amusements, which are always attended with some peril, were rendered more public and accessible. Dancing houses of the lowest kind were licensed, until their noise and confusion compelled their suppression. The regulation of night-passes became much less practically stringent. Everything facilitated the allurements and the commerce of crime. Receivers were always at hand, and robbers were tolerably insured when the first danger was over, by the rapid shipment of their spoil. Offenders, practised in the fraud of cities, were admitted into the towns, and placed in situations precisely calculated to recall their former habits, and excite their habitual passions. The puisnè judge, in passing sentence on prisoners of this class, for new crimes, and holding up their police character in his hands, exclaimed—"Now, Mr. Attorney-general, I ask you what we may expect if such men as these are assigned in towns. Is it not surprising that I have to try such cases? It is shameful! It is shameful!" And such will be the opinion of mankind.

The chief expedients of Lord Stanley to relieve the colony from the redundancy of labor, and pressure on the treasury, were never applied. At the suggestion of Mr. Bishton, a clergyman of Westbury, Sir Eardley Wilmot recommended the leasing portions of land to well conducted ticket-holders. This was however strongly opposed on the spot, as tending to depreciate property, and inconsistent with the social circumstances of the country. The English allotment system was inapplicable: at home it is a subsidiary to the general resources of the laborer, who can commonly find employment with the farmers, and easily dispose of the produce of his supplementary toil.

But a project of greater moment was contemplated by Lord Stanley, and adopted by Mr. Gladstone, and advanced far towards completion. This was the formation of a new colony, called North Australia. The civil list, composed of officers of modest designations—as superintendent, chairman of sessions, and clerk of the peace—was framed with the strictest economy, and the expense was to be defrayed by the English treasury. The colonists for the most part were to consist of exiles landed with pardons, either from England or Van Diemen's Land, and thither female prisoners were intended to be sent. During the first three years only new settlers were to be furnished with food for one year; with clothing, tents, tools, bedding, and seed. £10,000 in all, were to be expended in public buildings. To the office of superintendent, Colonel Barney was appointed, under the governor of New South Wales. A party set out for their destination: they were discouraged by the appearance of the country, but before an experiment could be made they were recalled.

A more practical measure was the extension of conditional pardons to the neighbouring countries, the operation of which had been limited to Van Diemen's Land. The dearth of labor in New Holland induced the settlers to send vessels to this colony, and many hundreds, liberated by the new form of pardon, were conveyed to pastoral districts on the opposite shore.

During the short official relation of Mr. Secretary Gladstone, who in 1846 succeeded Lord Stanley, Sir Eardley Wilmot was recalled, and Mr. La Trobe and Sir William Denison were placed in succession at the head of our colonial affairs. Like his predecessor, Mr. Gladstone complained that the information conveyed by Wilmot and the comptroller-general, amidst abundant statistics, left the main moral questions obscure. Mr. Forster had passed beyond the reach of censure; and Sir Eardley Wilmot maintained that the actual evils imputed had formed the topic of incessant communications. He derived his impressions from others; and seeing but the surface, was persuaded to the last that the probation system had not failed.

The despatch of Mr. La Trobe fully corroborated the common report. His honest discrimination was worthy his high reputation for integrity. Nothing the reader has perused will be unsustained by his more elaborate analysis—which may be expressed in one sentence—as illustrating both the high-wrought theory and the mischievous practice

of the probation department :—" In spite of all the superior arrangements of the system, vice of every description is to be met with on every hand: not as an isolated spot, but as a pervading stain."*

Dr. Hampton, whose representations had largely contributed to these official changes, which were however fortified by a mass of concurrent testimony, received the appointment of comptroller-general. Meanwhile the office of secretary of state for the colonies devolved on Earl Grey, and at his assumption of office he abandoned at once all the schemes of his predecessors. The practice of transportation he resolved to discontinue, and in its stead to inflict punishment at home; and to send out the prisoners, when entitled to liberation, to the various colonies of the British empire. His expectation that their labor would be highly prized, was fortified by the "Associations" at Port Phillip to obtain laborers from Van Diemen's Land, and the resolutions of the committee of the New South Wales Council, where a strong disposition was exhibited, on the part of employers, to renew transportation. Several ship-loads had been sent from Pentonville, and the nominal lists of their employment and wages, appeared to assure an unbounded field for their successors. To shut out the possibility of complaint, however, Earl Grey sent circulars to all the colonies on this side the Cape of Good Hope. The reply was universally adverse; and this plan, which a few years before would have been gladly accepted, was rendered impracticable perhaps for ever.

The total abandonment of North Australia was a subject of deep regret to its projectors, and was too hastily done; but as a substitute, Earl Grey proposed the creation of villages in the more remote districts of Van Diemen's Land. The erection of houses and a limited cultivation of forest land, was expected by his lordship to afford employment for the ticket holders, and to yield a fund for an equal amount of free emigration. It was intended these dwellings, built on quarter acre allotments, should be sold to prisoners, or subject to a rental of £5 per annum; and a clergyman and schoolmaster provided in each. It would be useless even to examine the plan, which was based on a valuation of crown lands at that time entirely erroneous, and a fallacious estimate of mere labor, in any form whatever.

* Despatch to Earl Grey, 1847.

Late changes, effected by a more intelligent superintendence, and the vigilant censorship of the public, may be readily confessed. The decrease of numbers in the gangs, and the greatly improved resources of the convict department, have ameliorated several evils which formerly elicited great complaint. The male establishments at Hobart Town are patterns of neatness—the female, of disorder.

It merely remains to be stated, that the present system is to send out prisoners when entitled to tickets-of-leave; to disperse them through various districts in search of labor. In the colony they enjoy all the privileges of free laborers, except responsibility to a police magistrate. They will be entitled to release at a term prefixed, but on condition that they pay a sum for their passage. Few have either the ability or self-restraint required by this regulation, and unless it is relaxed they must remain prisoners during the term of their sentence—often for life.

A great variety of details might be added; but the total revolution in the system will now lead the enquirer into the state of society rather than the management of gangs and penitentiaries. The despatches, which fill volumes of blue books, are rather transactions of penal philosophers than trustworthy guides to the historian of transportation; and the writer has not relied exclusively on these authorities, even when he has quoted them—a discretion amply justified by their endless contradictions.

SECTION XXV.

THE notices of the treatment of female prisoners in this work have been few. Until recently, the attention of the English government has been almost entirely confined to the management of male convicts; and the impression has been always too general, that the unhappy women are beyond recovery. In the local discussion of the convict question the deliberate opinion of Captain Forster has been usually adopted, by all who have seen the conduct of the women. "I have not," said that distinguished officer, "entered upon the topic of discipline for female convicts, not considering them available subjects for prison discipline." (1837)

Colonial experience, before and since, would hardly authorise any other conclusion.

The first female transports were left to the casualties of a convict colony. Some, who were adopted by the officers, became the mothers of respectable families: some wholly emerged from their degradation, and became respectable wives; but, for the most part, they merely exhibited the depth to which vice can depress. Nearly 20,000 have been transported; of these, a considerable proportion have fallen victims to intemperance, and sunk into a premature grave.

The description of the conduct of female prisoners is so uniform, that any date and any account might be joined at random. Those who read the works of Collins, of Read, of Henderson, and of Lang, and compare them with each other, and with works of the present time, will find little variety of incident. They represent woman deprived of the graces of her own sex, and more than invested with the vices of man.

The transportation of women has been a great social evil to the colonies. At first it seemed unavoidable: it was afterwards deemed highly expedient, for reasons it is not necessary to describe. Yet it is not too much to attribute the chief vexations of domestic life to their character and conduct. It would have been better for the nation, for the male convicts, and for the women themselves, had they been detained at home, or banished to countries where they would have avoided the double degradation of moral and social infamy.* Such were the views of many most enlightened men. The extreme difficulty of finding them employment as servants, and their perpetual relapses, have induced the government usually to encourage, at first concubinage, and, in more scrupulous times—marriage: in some instances with great success. It is the last expedient in the administration of penal laws; when it fails, the case is considered hopeless.

The number of females transported, until within twelve years, were about 1 to 10 men; since then, they have been about 1 to 7. The penalty has been inflicted for the lighter crimes; and in many instances the Irish courts must have been influenced rather by a vague notion of humanity than of punishing offenders. Such are often young creatures: not a few could be scarcely considered depraved.

The accumulation on the hands of the government has been usually very great, and curious expedients have been

* Letter from Chief Justice Forbes, 1836.

devised to dispose of the burden. The factory at Parramatta, in former times, was a mart of women. Thither the laboring man went in search of a wife, and often, after a general survey, selected one on the spot. These marriages were not always a failure, but far the greater number ended in intemperance and prostitution.

To overcome the reluctance of the settlers to employ them, Sir George Murray, when secretary for the colonies, directed the governor to compel the settlers to receive one woman with three or four men (1829). The effect of this stipulation was probably never considered. The condition of the better disposed has been one of great hazard and temptation. The last state of female degradation was often their inevitable lot. They were surrendered to solicitations and even violence: a convict constable conducted them to the houses of their master; they lodged on the road, wherever they could obtain shelter; convict servants were usually their companions,—or when their manners were superior to their class, corrupters of a higher rank were always at hand to betray or destroy them. Reformation has been commonly deemed unattainable, and precautions useless.

The influence of such persons on the tone of society, the temper of masters, the morals of children, and even the conduct of the convict men, has proved everywhere disastrous, unless checked by incessant vigilance. Smoking, drinking, swearing, and prostitution, have very commonly formed the character ever present to the tender mind. The stranger entered perhaps a splendid dwelling, and found all the advantages of opulence, except what money could not procure—a comely and honest-hearted woman servant. The eye at length became more familiar with lineaments bloated or rigid with passion and debauch, and the ear accustomed to the endless vicissitudes of the servants' hall, which discharged and received an endless succession of the same debased, despised, and unhappily despicable beings. The writer has not forgotten, for a moment, that under the protection of a virtuous mistress, some unfortunate but not depraved females have escaped the terrible ordeal, and have found in the land of their exile the comforts of a home.

SECTION XXVI.

LORD STANLEY devoted commendable and humane attention to the management of female prisoners. They were comprehended in his scheme of probation. He resolved to establish a penitentiary, on a large scale, within twenty miles of Hobart Town. The women were to be carefully classified and separated, and trained for the duties of domestic life. The discipline intended rather to restore than to punish: those remitted in disgrace to the government, were not to re-enter this place of reform. Instructions were forwarded to prepare the ground and collect the material (1843); but the local officers were averse to the plan. They complained that the contemplated site was remote and inconvenient, and they succeeded in postponing and finally defeating the project.

Mrs. Bowden, a lady of majestic presence and enlightened mind, who had acquired considerable experience in the management of the insane, was appointed matron. Her fertility of resource, courage, and zeal, had been greatly admired at Hanwell, where many hundreds of the unfortunate were relieved from the greatest of human calamities. The reputation of this lady recommended her to the confidence of government: * with her husband, Dr. Bowden, the medical officer, and a chosen staff of assistants—several only inferior to herself—she arrived in this colony with high expectations of success. As a temporary expedient, the *Anson*, a ship of war, was appropriated to the project. The decorum of the ship, and the healthy and cleanly appearance of the women, were striking to a stranger; but the early lack of employment ruined the enterprise. The government, with its usual negligence, failed in details, and thus failed altogether. Towards the close of the experiment, the making of clothing for the prisoners was more successfully attempted; but the local authorities were always hostile to the institution. It was protected by Lord Stanley and Mr. Gladstone, but Earl Grey consented to its extinction. The results were certainly not encouraging. The women, discharged from the ship ignorant of the colony, were at once thrown into every temptation of convict associations. They had been instructed in the principles of religion, reading and needlework, and the fruit of these labors will hereafter

* *Report of Institutions, 1842.*

perhaps, appear; but whoever expects much from mere dogmatic knowledge, will be doomed to disappointment. On the death of her husband Mrs. Bowden returned to England, convinced that moral insanity is far more hopeless than the diseases of Hanwell. This lady and her friends and coadjutors, the Misses Holdich, found the women generally submissive and docile: they were haunted with all kinds of terrors, and had less than the ordinary courage of women. Mere children in understanding; some, such only in years; but their actual reformation, for the most part, only remained an object of confident expectation, while their true tendencies were repressed. The lady officers, who expected to reap a harvest in this field of mercy, began by blaming the colonists for scepticism, and after 3,000 women had passed through their hands, they, alas! ended in becoming sceptical.

A great number of these prisoners are married. During the probation system, the local government of the colony became far less scrupulous in reference to their character, previous engagements, and means of living. As a choice of evils this course was the least; but many of these marriages were a disguise for licentiousness, and of a very temporary character. The freed man united to a convict woman could not be detained in the colony; indeed, he was often compelled to leave it, and his wife was not permitted to accompany him. From this cause alone, infinite vice and misery has arisen; and a total disregard of ties so modified by a police regulation; which, while encouraging women to marry, subjects them to lasting desertion.

Before the introduction of Lord Stanley's probation system, several pious ladies established a committee of visitation. They entered the factories and cells, and conversed with the female prisoners. Official teachers superseded these efforts of private benevolence; and lessons, however excellent in themselves, lost the attraction of spontaneous sympathy and disinterested toil.

It is with deep regret these observations are recorded. It is not intended to assume that the reform of female prisoners is impossible. A considerable minority are probably not inferior to the lower classes of poor and uneducated women in the cities, or more uncivilised provinces. Reconvictions are not numerous; though, of course, many are deeply implicated with colonial crime. The law which consigns all to one penal fate, devotes all to one common ruin. Were it possible to escape the contamination of a gaol, what

could be hoped, where the male population is contributed chiefly by prisons? What can be done to obviate these evils? Such is the enquiry of the philanthropist : would to God it could be successfully answered !

SECTION XXVII.

WHATEVER details are omitted from the foregoing pages, nothing has been withheld necessary to complete a colonial view of transportation. Errors may doubtless be detected ; but as they have not resulted from carelessness or haste, it is hoped they will be found both unimportant and rare.

The views expressed by various parties on the subject of transportation are modified, or even wholly suggested by their interests. The English peer rejoices that sixteen thousand miles of ocean divide him from the "wretch" who entered on his preserves, or dragged his rivers, and is at rest ; the citizen is glad that one burglar less lives in his neighbourhood, and considers that transportation is indispensable to the safety of plate. The colonist farmer regards convictism as a labor power ; the working emigrant as a rival labor market ; while the officers in charge naturally cloak its evils and exalt its efficacy.

It is nearly impossible for a stranger to estimate the weight of testimony, so prejudiced throughout, and nearly as impossible for a writer, interested in the issue of its discussion, to preserve the unclouded judgment required to arrive at truth. But little reliance can be placed on official statistics : they give imperfect views of moral or industrial results. They have often been compiled by government for specific purposes, or by agents unworthy of confidence.

It may be proper to point out the chief difficulties which beset this branch of penal jurisprudence. Some of these have been long noticed by authorities on political philosophy. From Paley, to the latest speculators on transportation, all have noticed its inequality. They have dwelt on the uncertainty of its details—from the differing habits and original condition of those subject to its infliction ; and from the absence of supervision, only to be expected where those who direct the sentence secure its observance. The convict

is condemned to a penalty which may subject him to predial slavery, to capricious punishments; to brutal taskmasters, and to the antipathies of a caste; or he may be regarded with compassion, good-will, and even preference: the sting of the law may be taken away, and what was a penalty may constitute a brotherhood.

Thus it happens that no uniform description is a true one. What may correctly delineate the aspect of transportation on one class, may be false in reference to another; what may be facts one year, may be an exaggeration in the year following. This inequality has been partly the result of the law. The relation of the convict to the free has been constantly changing. He was a bond servant; he was permitted to compound his servitude by a daily payment; he was allowed to work partly for himself and partly for the crown, at the same moment. He has been restrained in government gangs; he has lodged in barracks, and worn the coarsest dress, or he has lived in his own hired house. Sometimes treated as a public enemy, chained, flogged, and over-worked; at others, petted as a favorite or soothed like a child.

The public policy has depended on causes which have had little relation to the individual character of convicts. A mild or severe governor, or secretary of state; a great increase or decrease of numbers; the book of some literary idler, or of an angry colonist; instances of extraordinary good fortune, or an insurrection against tyranny; the fluctuations of feeling at home, sometimes wrath against crime, sometimes compassion for the criminal. Such are the causes, traced in the incessant agitation of penal transportation.

Two incompatible objects have been always professedly embraced—intimidation and reform; but while they have both animated the scheme, they have struggled for the ascendancy, and the one or the other has seemed to be the chief, if not sole, motive of government. The Australian seal expressed the design of mercy: it was to oxen ploughing—to bales of merchandise, and the various attributes of industry, that Hope pointed the landing convict, when she broke off his bonds. Fifty years after, Lord Stanley deemed many years spent in chains, a just punishment for crimes against property, or others of no deep dye.

The changes of systems have been usually based on facts and opinions, elicited during those paroxysms of reform which occur generally once in ten years. Thus the improvement of discipline; the efficiency of convict labor; the several

efforts to restrain its attendant vices ; have usually occurred when some old officer has been superseded ; and others have devoted to their novel duties the first vigour of their zeal.

The whole spirit and apparent object of convict discipline has been revolutionised several times. In the vicissitudes of English factions a new secretary of state has had power to sift and overturn the expedients of a rival. It has rarely remained beyond a few months in one stay. For four or six years, during the governorship of Colonel Arthur, transportation reached its highest perfection. It was rendered uniform, by the imperial confidence reposed in his judgment ; more so by the demand for labor, by the rapid influx of capital, and by the common interest of the government, the colonist, and the well-doing prisoner. It would be difficult to find half that period undisturbed under any other ruler.

Many difficulties connected with transportation are created by natural and social laws : full of mercy to the human race. The sufferings inflicted by man cannot reform man : he cannot carry out the vengeance of another, for wrongs he neither endured nor saw. His heart melts at the sight of distress, and forgetting general principles, says, in the absence of accusers, "neither do I condemn thee;" or if forgetful of a common nature, he punishes with inflexible severity, while the iron enters the soul of his brother his own heart is seared. Thus, again, a nation cannot send away her criminals, and yet make their punishment exemplary ; she cannot detain them in masses, without rendering them a scourge ; she cannot discharge them to live under a clement sky and amidst abundance, without meeting everywhere the reproaches of the honest poor. Thus beset on every side, she is taught that crime is not an excrescence to be cut off, but a disease to be cured ; and that to increase the comparative penalty of guilt, more than liberty must be forfeited. She must offer something better to her paupers than the benefits of disgraceful exile.

In reference to practical results, almost every theory may be sustained by the records of transportation, if one class of facts only are admitted into view. Thus it has been pronounced by men distinguished and intelligent, as an expedient worthy an enlightened statesman, and gratifying to the most ardent though scrupulous philanthropist ; but they have often omitted sections of facts which, resting on evidence not less deserving regard, excite astonishment, disgust, and horror.

Whether the judgment of Governor Arthur was correct on the main question, or not, he doubtless pointed out the great difficulty. His words are well worthy remembrance:—"Sanguine as I am of the beneficial results of transportation, and confident as I feel that it may be made to surpass any other secondary punishment, both as relates to the criminal and to the country from which he is banished,—I cannot lose sight of many imperfections of our present system, some of which are bottomed on a state of things which no human ingenuity can rectify:—'you cannot make that straight which God hath made crooked.'"*

A few men of the generation survive, which witnessed the departure of the first fleet of convict vessels to a country then a wilderness, and inhabited only by savages. The stranger, who lands where they first pitched their tents, will survey the scene and consider the question of transportation determined. The shipping which crowd the harbour; the public and private buildings rivaling the architecture of Europe; the spacious churches, filled with well-dressed families; the extensive thoroughfare, thronged with business and equipages, and adorned with elegant shops and offices; the courts of law; the public markets; the London-cries; the noise of the hustings; the debates of the assembly. Such are the alleged results of transportation: as if by some vast effort the people of an old country had transferred the seat of empire, and were collecting all that art could devise and wealth could bring. Should the visitor extend his enquiries, he will find vessels trading to many neighbouring and kindred cities. They all owe their existence to that first fleet. Sometimes they repudiate their origin; but they bear evidence that their giant youth has learned from the experience, and risen in part under the auspices of the great convict country. Should the traveller extend his travels to Van Diemen's Land, he will hear the same tale of penal transportation, and its wondrous effects in former times. He will pass over a road made after scientific plans, and bridges of costly structure. He will see orchards, in which mingle the blossom of the cherry, the apple, the pear, and the peach; and gardens green with British vegetation. This successful spread of the English name, language, commerce, and power, has required less than the life of man. Many survive, who were born when the first sod of Australia was turned by the hoe of a banished Briton. The man even now seen sauntering

* Despatch of Colonel Arthur to Right. Hon. E. G. Stanley, March 10, 1834.

along, chained and moving sullenly to labor, is but a continuation of that army who first broke in on the solitude of a new world; laid the first foundation, and planted the first field.

Should the traveller still extend his enquiry, his astonishment and delight will not be diminished. The swarms of children rushing from a villiage school participate the blood of men, some of whom were once a terror to society, or of women who were its reproach. In the lists of religious societies, commercial companies, jurors, magistrates, will be found traces of their lineage. What could hope have anticipated beyond these realities!

But the connection between these successes and transportation, is rather co-incidental than of cause and effect. Were it supposed that seventy years would have elapsed prior to the occupation of these countries, but for transportation, the advantage must be calculated not by actual achievements but the value of that advanced starting point, which colonisation now possesses. It is not improbable that colonisation would have commenced at a much earlier date: the first ships of free settlers would have been more intelligent; their attention to the resources of the country more earnest. The second quarter of a century had half expired, when the Blue Mountains ceased to be a barrier to the colonists of New South Wales. The dawning of a new world must have attracted the national mind, had not an unexampled society, abandoned to vice and crime, appeared to the people an object of dread and horror.

The progress of the colonies, until 1830, cannot be considered rapid. The first settlers were, individually, prosperous: many emancipists were wealthy; but for the rest, their houses were mean, their commercial arrangements peddling and insignificant; their public buildings generally miserable. It is from the date of emigration that progress has been conspicuous: and that date is but recent—a progress in a ratio vastly greater than any previous cycle. The great colonies of Port Phillip and South Australia, before that time, were hardly in existence.

If, indeed, no capital had been introduced; no whalers collected the treasures of the deep; no free emigrant arrived; no free colonies erected; then the improvements of this quarter of the globe might be ascribed to penal laws; but they have the same relation to its present prosperity as the numerous parts of an edifice have to each other—not such as of the oak to the acorn. When, therefore, it is stated

that transportation has been the making of these colonies, it should be rather said it was the cause of their establishment. The outlay of the crown, although great, has been small compared with the outlay of the people. The chief settlers of the convict colonies were capitalists; they gave themselves to cultivation, which, in most instances, has involved them. Agriculturists are poor: it is the shepherd prince who is rich. He may be benefited a few score pounds by labor artificially supplied; but nature is the great patron of his house.

The chief connexion between transportation and progress is in the government outlay; but that has been less than apparent; it has often been the mere difference between an English and a colonial price; it has been attended with great consumption without equal re-production. It has sometimes had no other effect than foreign commerce on the places of depôt and transit. The price of labor, when labor was chiefly supplied by transportation, was often very high. Thus a farmer found one man with rations and clothing; but a person, working in the same field, received £30, £40, or even £60 per annum. The price of labor was therefore often, on the whole, sufficient to absorb the capital of the employer.

There are many wealthy landowners, who are, however, the sole representatives of those numerous fortunes lost by London firms in these colonies. The court of insolvency made that which was foreign, colonial property. The rich freights sent from Europe, when not wasted by an extravagant consumption, were really exchanged for land improved, and finally disappeared from the ledger of the merchant. It remains—not as the result of convict labor, but as the dividend of an expenditure which shews more loss than gain.

The value of convict labor has been generally over-estimated. "The day that sees a man a slave, deprives him of half his worth." The employers, as a class, are uniformly poor. Slave labor in America is dearer than free, although it implies no moral degradation.* What then could be

* "On the left bank of the Ohio the population is rare. From time to time one deseries a troop of slaves loitering in the half-deserted fields, the primæval forest recurs at every turn: society seems to be asleep. From the right bank, on the contrary, a confused hum is heard, which proclaims the presence of industry. The elegance of the dwellings announces the taste and activity of the laborer: in the end, the slave has cost more than the free man."—*Tocqueville*, vol. ii. p. 222.

expected from bondmen of the same colour as their lords ; whose resentment and indolence combined to prevent their usefulness. It may be safely affirmed, that the employer who gained by his servants, not only watched, but paid them.* Instances may be found in opposition to this conclusion : the great employers, who reduced their men by an unrelenting pressure, were few in number ; and their advantages were of brief duration.†

The ordinary settlers purchased convict labor at great sacrifices, which they never estimated. They lived in woods, often without religious instruction, medical attendance, and in want of those refinements which can be realised only when the stern features of the wilderness are softened by neighbourhood and civilisation. Who can value the toil and time, and wear and tear of life, in bringing the stubborn, ignorant, and vicious to drive the plough and reap the harvest. Other colonists, in other lands, with less capital, but with free labor, have thriven faster ; and attained a prosperity far less compromised by debt, and far more durable.

A very great quantity of property has been destroyed by crime and vice. It is commonly said that theft merely changes ownership, and does not detract from the aggregate of wealth ; but the thief is not only idle, his expenditure is reckless ; he wastes more than he consumes.

Many colonists of former years spoke of the arrival of prisoners with gladness, and seemed to regard the punctual supply of a certain but increasing number as a boon. The minds of these persons usually dwelt solely on the advantage of coercive labor, of military and prison expenditure, and the prisoner was regarded as a "productive power." When ashamed of sordid calculation, they discovered a defence in the blessedness of expatriation to the offender. His food was greater in quantity, and better in quality, than he could obtain by industry in a crowded country. His liberty restored, fortune became often auspicious, and the temptation to rude roguery ceased. He took his side with the laws ; he married, and educated his children ; he attended the house of God, and became serious ; he rivalled his master in liberality and public spirit. Multitudes died in hospitals and in prisons ; but they were forgotten, and the fortunate only were conspicuous.

* Murdoch's evidence, 1837.

† It is a curious fact that, generally, the most severe government officials were reckoned the most indulgent of masters.

The public works performed by convict labor, though sometimes extensive and important, will appear inconsiderable, if compared with the imperial or colonial cost. The deep cuts and massive bridges, which please the eye, are yet disproportionate to the traffic, and produce no adequate return. The proportion between free and bond labor, is as 2 and 3 to 1. Task labor has been commonly found incompatible with discipline, or liable to favoritism and official dishonesty: the overseer "approximates" or guesses, when not inclined to reckon. Day work is still less satisfactory: the pick is slowly uplifted, and descends without effect. The body bends and goes through hours of ineffectual motion; or if the rigour of discipline renders evasion penal, the triangles disgrace a civilised nation, and the colony is filled with violence and vengeance. Yet convict labor has, generally, been deemed important to an infant settlement; to secure a combination, without which preliminary stages of colonisation are slowly passed. Such has been its undoubted use; but who, with the prodigies of modern enterprise before him, will assign to bond labor a peculiar efficacy, or doubt that well directed capital can ensure all that force can effect.

The industrial enterprises of the crown have been utterly unsuccessful: they have been the laughter of the colony. Examples might be given in abundance; but it is needless to prove what has been never disputed. Convicts have been employed by the authorities as ship-builders, masons, hop-growers, and cultivators; but the general results would have involved any less opulent proprietor in ruin.

Nearly 120,000 prisoners have landed in these colonies; of these, the major part have passed into eternity. Thousands have died in chains; thousands and tens of thousands perished by strong drink. Their domestic increase, compared with equal numbers of free persons, is insignificant—partly by the effects of vice, and in part by the impracticability of marriage: they melt from the earth, and pass away like a mournful dream. In every parochial burial-ground there is a large section of graves, where not a tomb records who slumber there.

The nursery is the natural hive of arts and agriculture. The sons of the farmer, when they commit him to the dust, occupy his fields, and the little one becomes a thousand. There are several families in this colony, more than were the sons of Jacob when he lodged in Goshen; but convicts, for the most part, die childless.

In delineating the character of an exile population, a

broad line must be drawn between the accidental offender and the hereditary robber. To the first no special description will be applicable: they are often not inferior to the ranks from which they sprung. Though a small section of the whole, they present not the least affecting picture among the many sad sights of a penal land. In the folly and recklessness of youth they lost at once their fame, their honor, and their freedom. The statesman may behold only a mass of outcasts; but among them are many whose names are the burden of a father's prayer, or are traced in deep lines of sorrow on a mother's breaking heart.

Transportation confounds men of entirely distinct character in one common penalty. Thus every variety of disposition, and every grade in life may be discovered. A proportion, certainly not considerable, obtain the respect and influence due to benevolence, integrity, successful toil: a much larger number exhibit only the common faults of uneducated men, and acquire the common confidence suited to their original station.

The character of convicts cannot be safely inferred from their sentence. Thus highway robbers were not unfrequently the best conducted men: they exhibited a courage and resolution which, directed aright, became useful to society and to themselves. The petty thief, often detected in his least offence, proved incapable of shame or gratitude. To an English reader, preference expressed by masters for persons under heavy sentences, would appear inexplicable; but it was founded, not on length of servitude alone, but a not uncommon superiority of disposition. Those transported for agrarian offences and political crimes, were often honest men. The rustic insurgents of 1832, were considered valuable servants. The Canadian prisoners conducted themselves with exemplary decorum.

Among those who belong to the class of habitual offenders, a large proportion are intellectually deficient. These unfortunate beings regularly return to crime on their discharge; incapable of resisting temptation: while prisoners, they are perpetually involved in difficulties. A very bad man will pass through the different stages of his sentence without reproach, while the weak-minded are involved in endless infractions of discipline and successive punishments. Nothing retards the release of the artful villain when his time is expired, while the warm and incautious, but better man, accumulates a catalogue of prison penalties.

The most civil and useless prisoners are the Irish: the

most base and clever are the Scotch. They stand in different relations to the law : the Scotchman violates his own judgment, and offends against knowledge ; the Irish peasant unites a species of patriotism with his aggressions.

The modern convict is, in some respects, better than his predecessor ; less ruthless, or prone to atrocious violence. Civilisation has extended its mollifying influence, even to the professional robber. On the other hand, in former times, men were transported for very trivial offences : poaching, with its consequences, formed the leading crimes of the English counties ; yet many poachers were otherwise first-rate men, both in disposition and physical development. The modern convicts are, more generally, criminals in the popular sense. The abolition of capital punishments, and the erection of penitentiaries at home, left the penalty of transportation chiefly to more serious offences.

The tendency to particular crimes is often curiously displayed. Prisoners are safe amidst scenes which present no allurements adapted to their former habits : the pickpocket is perfectly trusty as a shepherd ; the housebreaker makes a confidential dairy-man. Old temptations are fatal : even the stealing particular goods seems a special propensity. A woman, lately convicted of stealing blankets, who was originally transported for blanket-stealing, had twice stolen the same article in the colony. It is, of course, in the same department that the robber, the coiner, or the receiver of Europe, resumes in Australia his antagonism to the laws. These characteristics are happily often obliterated and overpowered.

The christian will not doubt that reformation is possible, and that many once neglected and unfortunate, placed under the guidance and encouraged by the countenance of benevolent men, acquire both the principles and habits of ordinary society. The affections of domestic life are all awakened. The parent feels a new interest in the world : his share in the common prosperity excites the sentiment of patriotism. He promotes his children's education with unusual care ; but it is at this stage of life that his heart endures a pang which legislators never contemplated.

The occasional prosperity of the transported person has been the opprobrium of the laws. He rises above his former condition ; becomes a master where he was a bondman ; patronises public amusements, and rides in his chariot past the pedestrian who received him in bonds. Great changes in condition are common everywhere : but transportation presents

the whole career of the exile, from the bar to the civic hall, as parts of the one drama. A pardoned offender is lost in the population of Great Britain. Were the changes in his fortune noticed, it would occasion no reflection on the laws; but when numbers ascend under the same auspices, their prosperity is flagrant, and stands in ludicrous contrast with the predictions of the magistrate, who opened up a field of successful enterprise when he pronounced the sentence of transportation.

The colonial aspect of transportation is, to a British statesman, a secondary question: thus the injury of a distant community is of inconsiderable importance. If the expatriated classes carry out with them their ignorance, disorder, and crime, they retard the progress and destroy the reputation of a distant country, but the nation may still be satisfied: she may balance the evil and the good, and find herself the gainer. The colony is injured; but the parent country is saved. Thus transportation not only removes the habitual criminal, it extinguishes the embers of insurrection: it prevents the dreaded war between property and poverty, and silently withdraws a mass of dangerous discontent.

Of those transported a great proportion, if in England, would be in prisons; or, if at large, preying on the world—following their old calling, as burglars, coiners, and sheep-stealers. They would be active incendiaries and anarchists: they would be out at every riot, and by throwing their numbers into the scale of sedition, overturn all order, and even change the constitution. Such have been the conclusions of English statesmen: perhaps, partly founded on their fears, or stated for effect; but not wholly unsupported by analogy.

While some exhibit a convict colony as depraved beyond all examples of depravation, others lower the standard of human virtue, and not only extenuate its evils but magnify its worth. It was asserted by Lord Stanley, that the feeling of caste guarded the habits of the free. A view so flattering to human pride could hardly fail to be confessed; but, in fact, familiarity with crime, although it may not corrupt the judgment, must abate the moral sensibility. No colonist can forget his shudder at the first spectacle of men in chains: none can be unconscious that the lapse of years has deadened the sense of social disorder. It has, indeed, made many doubly circumspect, and awakened a peculiar interest in the ordinances of religion. Nor is it to be doubted that many expirees, disgusted with the enormities of vice, have,

under the same feeling, contributed to set up the indispensable land-marks of honesty and religion.

Never were families guarded with more care, or efforts to educate the population more earnest, than during the inundation of the probation system. The external decorum of the Sabbath, the general attendance of the free inhabitants on worship, would go far to countenance the idea that the place of peril is the place of caution and prayer.

Ministers of the crown are, or profess to be, astonished that when the freed population increases, and the territory is explored, a country, still needing labor, should object to the prisoner supply; but the slave-holding interest expires, when immense numbers can be held no longer by a few: the common views of mankind re-assert their ascendancy. All, save employers, are hostile to degraded labor; employers themselves become less interested as masters than as colonists.

But transportation to one country cannot continue for ever. The causes which suggest the exile of offenders will occasion their rejection: money or labor may bribe the settler to become an overseer for the crown; but from the beginning he will calculate on a nobler vocation. A considerable community cannot be tempted by convict labor: and the numbers who regain liberty are enemies to the social state they have escaped. Fathers, who for themselves dreaded no dangers, tremble for their children: the adventurer becomes a citizen; a merchant, a politician: and the time approaches, when the same causes which induced the parent country to send the first convict vessel, will impel the colony to send back the last.

The late expedient of Earl Grey, is the trial of a scheme long present before his imagination.* Its rejection by the Australian continent has limited the experiment to Van Diemen's Land, where resistance is unavailing. It is the last achievement of penal philosophy, and will ascertain how long one small portion of the earth can receive the

* The following question, put by Earl Grey (then Lord Howick), and answer, given by James Macarthur, Esq., appears in the evidence taken before a committee of the House of Commons, 1837:—

"Q. Suppose, instead of the present system of transportation, criminals were to be punished in England with a certain number of years' imprisonment, and after that to be banished to New South Wales, were there to be placed under the surveillance of the police, in the same manner as ticket-of-leave men, what do you think would be the effect of such a system?

"A. I conceive that the effect would be, in a modified shape, the same as that of continuing transportation."—*Report of Commons*, 1837, p. 218.

liberated masses, gathered by the penal laws of a mighty empire!

The ticket man lands; the colony is crowded with his predecessors; the colonists consider his arrival a grievance; the government, ignorant or careless of his fate, cast him into new temptations. Under such a plan the emigrant is gradually superseded by the exile population: the emancipated laborer is expelled by a fresh ticket holder. The country-born youth finds himself unable to live in his native land. The tone of public morals follows the prevailing spirit: crime is currently spoken of merely as a fault or a misfortune; the press teems with vicious sentimentalism; the administration of justice becomes more uncertain, perjury more common; the reputation of the colony is formed from the census, and the land becomes a by-word and a hissing.

Such, then, is the scheme which originated in philanthropy; such the practical result of years of laborious inquiry and official debate!

HISTORY OF TASMANIA.



CONCLUSION.

CONCLUSION.

THE history of Tasmania is a type of the Australian world. The events recorded in these volumes represent the policy, modified slightly, which has everywhere prevailed. The author has however rarely attempted generalization, and has represented every fact in its independent colors. Thus an evil pursued to its source might have been avoidable by greater forethought and care, or it may have been the inevitable issue of a system upon the whole beneficial and therefore just.

For many years the government of these colonies was absolute: could it be otherwise? A company of exiles, overawed by dissolute soldiery, interspersed here and there with few persons of a superior class, could only be governed by despotism. It might have been legalised instead of tolerated by the parliament, and it might have been less offensive to the spirit of liberty. But to have trusted a few proprietors with legislation or a share of the executive authority, could have only created a tyranny more grievous.

The comparison between the early colonists of America, at least those of the northern states, and the founders of Australia, must quickly run off into a contrast. The primary object of the Pilgrim Fathers, was the enjoyment of opinions in peace. The early denizens of the southern world burned their first church to escape the tedium of attendance. The first pilgrims of New England attempted a community of goods on the plan of the apostles. The first Australians drew their stores from the commissariat, and adopted the traditions of Houndsditch and Wapping. The leaders of the first Americans were their clergy,—the bible was their political and civil standard. The rulers of the first Australians were half marine, half soldiers, whose pay was supplemented by the sale of spirits sold by convict women, their mistresses.

Thus for many years the government of these colonies was absolute, and the usual consequences sometimes appeared.

Were a judgment to be formed however of the spirit of colonial government by a severe examination of its early frame-work, erroneous conclusions would be drawn. In the worst times the sentiments and habits of Englishmen tempered the operation of power. Settlers fresh from English society could not discard the opinions and principles cherished in Great Britain; nor could the rulers of the day forget that their conduct would be judged, not by the standard of continental despotisms, but by British systems of government. The establishment of British courts of justice and the protection of English laws have been found with few exceptions an impenetrable shield. The chief examples of official wrong have been generally connected with the misappropriation of public resources rather than invasions of personal liberty. How different the despotism of a Spanish viceroy and the sternest rule of a British governor! For the last twenty years cases of aggravated oppression have been exceedingly rare. The genius of British freedom has ever overshadowed the British colony, and awed the despotic ruler, while it has encouraged and sheltered the feeblest colonist. The great defect in official men has been their superciliousness and indolence, rather than their tyranny, and the popular governors of this hemisphere have gained the public esteem by their manners rather than their ability. A genial temper and a feeling heart rarely failed to conciliate the multitude, while distinguished talents have lost their immediate influence when in union with a harsh, contemptuous, and fiery spirit.*

For many years the press has exercised a powerful influence on the affairs of government, and left no avenue of escape to official ignorance and corruption. Even when jurors were selected by governors, the most unmeasured denunciations were poured forth without fear of prosecution. Associations for the redress of grievances have carried their organizations to the very verge of constitutional order. A democratic state certainly would never have tolerated the discussion of its principles and authority in feeble dependencies. But the British government, secure in its power and serenely conscious of its ability to check an intrusion

* A more venal and almost more desirable fault can scarcely be ascribed to a governor than a strong attachment to the people whom he is sent to govern. — *Coleridge's Friend*, vol. 3, p. 325.

on its just authority, has encouraged rather than repressed the freedom of public discussion and combination. The local rulers, instructed by their superiors, have long permitted even the licentiousness of the press. The strength of the empire justified and accounted for its tolerance. There is no tyranny so watchful as that of fear, and no cruelty so relentless as that of factions who struggle for existence.

The non-dependence of the government on the people has united the colonists in one body. It has been the colony against England, and not tories against whigs. In America the powers of self-government were too often seized by a faction, and a political opposition, even in a most moderate form, was stigmatised as felony and punished as treason. But in the Australias the colonists have expended their rage on a distant office, and in their real or imaginary sufferings have felt a sympathy for each other. The ascendancy of a faction in a small community is the reign of terror, and might soon lead those who value their personal freedom to regret the most sensitive and unscrupulous vice-regal despotism.

The spirit of colonial government, however, has been sensibly affected by the policy of Great Britain. The enlargement of popular freedom at home has relaxed the severity of colonial rule. For every considerable amelioration the colony has been indebted to the whigs. They gave trial by jury: they stopped white slavery in the Australian colonies, and thus in the end transportation. They placed religious denominations on an equal footing: they introduced the sale of land, for the purposes of immigration: they granted first to New South Wales, and since to all the colonies, the legislative assemblies which now watch over their rising liberties. In the days of a Castlereagh or a Bathurst, England possessed far less practical freedom than her colonies now enjoy. It is impossible to prevent the contagion of opinions, and the colonies may see in the growing intelligence and spirit of the United Kingdom the assurance of their own gradual advancement in the ranks of freedom. In this respect Australia is more happily conditioned than was once her American sister. The colonies of that continent were in advance of the parent country. The royal government not only detested their institutions as democratic, but as a standing reproach to the maxims of domestic policy. Thus, the appearance of a royal governor was ominous to their liberties. He came to entrap, to report, and to betray them. They had to hide their charters, to preserve them from violent abduction; and to threaten insurrection as the

alternative of liberty. Whatever Australasia gains she will attain with the approbation of English statesmen. She will look to the spirit of the times as the guardian of her rights. While privileged exclusiveness is in Great Britain crumbling to the dust, it cannot be that the middle classes will impose upon the necks of infant colonies the burdens they themselves abhor.

In seeking the improvement of colonial government, a prudent colonist will guard against the extravagance of theory. It is true that the people are the best judges of their own interests, but not that the interests of all colonists are uniform, or that they are capable of impartially disposing of all the incipient interests of the colonial state. Their covetousness as landholders might absorb the inheritance of the nation—their ambition as citizens contract the franchises of the humbler classes. The most strenuous opponents of Downing-street have denounced most fiercely the extension of the popular power. Mr. Wentworth, whose services in the cause of Australian freedom have immortalized his name, is yet a lictor when he turns towards the multitude, and a tribune only when he faces the seat of authority. His defiance of Earl Grey was pronounced nearly the same time that he imprecated vengeance on the Sydney democracy. The most strenuous educated advocates of self-government are not yet prepared to carry out their principles to their utmost limits. If the people have reason to dislike the autocracy of Downing-street, they would find no amelioration in the ascendancy of an oligarchy which would divide the universe into sheep walks for the benefit of flockmasters, and convert the residue of mankind into shepherds. True liberty is a compromise, and if a small community would prevent faction from establishing a tyranny, it must exchange some advantages for a control which defends while it restrains. Thus the claim of responsible government, and the appointment of officers chosen from the colonial ranks, though favorite projects, and certain finally to prevail, require a considerable growth before they could be useful. Our functionaries hold their office at the pleasure of the crown and thus survive the confidence of the assemblies; but evils of another class would issue from an opposite system. Official men, always fearful of defeat, would strengthen their position by the most desperate use of their power, and a dozen voices would decide. Thus family compacts would be formed, and cliques and cabals would finally determine the distribution of office. For this the Americans

have found a remedy in the meagre pay of those who occupy their highest situations. Ambition is moderated by its unrequited toils, and the public business chiefly carried on by paid servants of humble designations. But were thousands a year the prize of a successful opposition, not better men, but worse than the nominees of the crown might be expected to climb or creep into the seat of government.

In looking down the lists of colonists who have most largely benefitted their adopted country many would be found who were appointed from home to fill offices they have long since quitted. Nor would it be just to deny that they have largely contributed to whatever has elevated the taste and improved the social condition of these countries. For some time to come the appointment of well-educated Englishmen, though not to the exclusion of Australians, would be desirable, unless the recent discovery of gold should rapidly augment the population, and thus extend the basis of government and the number from which its officers may be chosen. The feelings of the colonists have, indeed, been too often violated by the scandalous multiplication of offices and the utter incompetence of those who have filled them. But a community little more than half a century old cannot be entitled to denounce Englishmen as foreigners, or to complain that strangers usurp the rights of the country-born. A wise administration of local patronage, without distinctions which are unnatural and absurd, would strengthen the hands of the executive and satisfy the reason of the people.

The future independence of the Australian colonies is written in the book of fate; but the inevitable change may be long postponed with advantage to themselves. A superior power is desirable to regulate their development, and to preserve at once their order and their freedom. The reins of government, if snatched from vice-regal hands, would not immediately fall into those more worthy. The love of order is too strong in the English breast to tolerate anarchy, and whatever changes transpire the public voice would pronounce in favor of a strong and regular administration. But since life is short, no wise man would wish to waste a considerable portion in passing through the disorders of a revolution to gain the mere name of a State. The royal government may redress every grievance, and the colonist may turn with confidence to the seat of empire for the accomplishment of every municipal change requisite to advance the country of his adoption. But were independence desirable in itself, the

colonists would, notwithstanding, calculate its cost. Those who have pretended that England does not prize her colonies, know little of her temper: her colonies are her pride, her ornament, and her strength. One day she will lose them; but that day will be a day of mourning and humiliation.

The discussion of this question by the metropolitan press, and the predictions of parliamentary statesmen, have induced many ardent minds to anticipate an early realization. These prophecies are but the weapons of party which would disappear in the presence of real danger; one voice would be heard proclaiming the rights of Great Britain. To her power what could Australia at present oppose? The American revolutionists had an army: they had thrust out the Indians and beaten the French, and their national character was deepened by the political and religious sentiments in which they had been cradled. But Australia has not a soldier or a gun. Her population may quickly reach the three millions numbered by the Americans at the era of independence; but she has not the habits of Americans—she has not their country, their forests, their frozen rivers, their terrible snows. England, when America resisted, hired a few German troops to assist her own feeble army. Since then she has conquered Napoleon, subdued India, and established her military power in every region of the world. Whether the mutual interests of Great Britain and her colonies are sufficient to bind them together may be a question at issue. Independence may be desired; but it is well to remember that those who will attain it must fight for it, and that in this war they will not only contend with the most benign and just, but with the most powerful government on the earth. England will not permit her ministers to oppress the colonies; but would hazard the last regiment rather than lose the colonial empire.

The British government will not, if wise, rely on any abstract principles of loyalty, or conclude too confidently that no attempt will be successful. The distance of the central power; the peculiar structure of colonial societies; the mountainous regions of Van Diemen's Land and New Holland, where small bodies could resist all the armies of the world; the possibility of foreign sympathy: all these are considerations proper to moderate imperial confidence, and to teach that the integrity of the empire is only safe in the unity of interest and affection.*

* It is very difficult to make the mass of mankind believe that the state of things is ever to be otherwise than they have been accustomed to see it. I have

The colonies have every motive for preferring the British rule to any other; yet the contingencies of war may expose them to extraordinary sufferings. Foreign nations would scarcely attempt a permanent occupation; but the cities which contain half the inhabitants, and more than half the moveable wealth, might be successfully assailed, pillaged, and easily destroyed. Thus, a powerful European state may expose her distant colonies to the calamities once endured by those of Spain. Such may be the expectation of the Australias. When they are required to support armies for their defence it will be felt that these are necessary chiefly because they are united with an empire whose interests are complicated with every government in the world.

To strengthen the authority of the British crown no measure would be more effectual than a federal union of these colonies. They require a senate exalted by station above the influences of mere localism, and capable of holding in check individual ambition. Statesmen, gathered from the various colonies, would restrain and moderate each other. The highest questions of colonial government being confided to their care, they would leave the internal improvement of the districts to be pursued by the local legislative assemblies. The state and expense of colonial governments, which now maintain distinct departments in each colony, assuming all but imperial style, might then be abated. Monetary establishments find no difficulty in conducting their affairs under a general inspectorship assisted by a local direction. The American states, by remitting all great questions to

very often heard old persons describe the impossibility of making any one believe that the American colonies could ever be separated from this country. It was always considered as an idle dream of discontented politicians, good enough to fill up the periods of a speech, but which no practical man, devoid of the spirit of party, considered to be within the limits of possibility. There was a period when the slightest concession would have satisfied the Americans; but all the world was in heroics; one set of gentlemen met at the Lamb, and another at the Lion: blood and treasure men, breathing war, vengeance. and contempt; and in eight years afterwards, an awkward looking gentleman in plain clothes walked up to the drawing-room of St. James's, in the midst of the gentlemen of the Lion and Lamb, and was introduced as the *ambassador from the United States of America.*—*Works of Sidney Smith, Vol. III., p. 336.*

“If you are told of the existence of discontent in any of your colonial possessions, do not believe it; and if any application be made to you for the redress of the grievances of any of your colonial possessions, reject the prayer at once; for if you grant that, you may be asked for something more. Redress no grievance, lest it should lead to a petition for the removal of another cause of complaint. Believe only the accounts which reach you from governors, and others officially connected with your colonies; and treat any statements in opposition to their accounts as the invention of demagogues, whom you should hang if you could catch them, and thus tranquillize the colony.”—*Franklin.*

the federal government, are sustained at less cost than the branch establishments of the Bank of Australasia. It is true that a federal union would increase the importance of the colonies among nations, and contract the power of the ministry to a distant superintendence: it would, however, prevent many of the evils of political dependence, and secure to Great Britain all the advantages of imperial authority so long as it shall last.

It is infinitely important that intelligent and upright men should occupy their true position in public affairs. A reluctance to face the virulent and brutal opposition of low adventurers must be naturally felt by every refined and educated man. The future character of these colonies will, however, depend on the courage and perseverance of the respectable classes. The widest extension of suffrage cannot be long resisted, and qualifications for office founded on property will inevitably break down. But the reputable and intelligent will be able to command the public mind if they think it worth while to instruct and conciliate it. Religious men must no longer avoid the strife of the hustings as inconsistent with piety, or set the claims of religion in opposition to the obligation of the citizen. Both are in reality one; and while churches in their corporate capacity stand best when they are most distant from the arena of politics, it is the duty of all who reverence the Almighty's will and regard the welfare of mankind, to devote themselves to the social and political amelioration of society. Personal character and social position are distinct elements of political power. The Queen of England and her illustrious husband are instead of armies: wherever they have moved they shed light and pleasure, not only through the mansions of the rich but the cottages of the poor. The theoretical republican is compelled to doubt whether an example so valuable may not be worth all the cost and prerogatives of royalty.

The settlers of Australia are as diversified in their habits as in their origin. Many in Van Diemen's Land are retired officers of the army and navy, masters of merchantmen, and persons of respectable connexions. The squatters of Port Phillip are a superior class, although their habits will require time to recover from the deteriorating action of bush life. The middle classes constitute the most influential body in South Australia. The German race are largely interspersed in the colonies of South Australia and Port Phillip. As they acquire the language they separate. Their condition improves more rapidly by diffusion, and

their villages are rather asylums than homes. As might be expected the prevailing spirit of the colonies is democratic: the democracy of the middle classes, not of the mob. There are no permanent springs of crime: the instinct of order, everywhere powerful, cannot but be strong where society is prosperous.

The social prospects of the colonists, though not without omens of ill, will not discourage the political philosopher. The various races are not sufficiently distinct to prevent an easy amalgamation. Nationality, whether of Germans, Irish, Scotch, or English, insensibly loses its political character. Hostile traditions cannot be naturalised in a new land: all respectable men condemn the revival of ancient feuds, and they will soon disappear for ever.

More fortunate in this respect than America, in these regions no African slavery exists—the brother will not sell his sister, or the father his son. The temporary inconvenience of transportation will leave no deep indent on colonial society; but the black brand of slavery is indelible.

The liberality and generosity of the Australians has been remarked by every stranger. In prosperous times money is at command for every project which professes to do good, and suffering is instantly relieved by bounty which is sometimes extravagant. The loss of a vessel a few years ago afforded an instance of this. The utmost latitude of beneficence could not exhaust the immense sum (£1,200) contributed to make good the personal losses of a few passengers and seamen. The liberality of the hand is here unrestrained by religious antipathies. Bigotry assumes the character of ill temper and puffing. Two parrots in Philadelphia trained to polemics were set over against each other, one crying all day, "there can be no church without a prelate;" the other, "there can be a church without a prelate;" the passengers were divided in opinion, but laughing walked on. Such is colonial life.

No believer in the glorious destinies of the Anglo-Saxon race can look upon the events of the last three years without wonder and hope. The American and British empires are seated on all waters; the old and new worlds are filled with the name and fame of England and her children. The lands conquered by Cæsar, those discovered by Columbus, and those explored by Cook, are now joined together in one destiny. There are indeed peculiarities in the various branches of the Anglo-Saxon race; but they are only the varieties of the same family, conscious of eternal unities.

How awfully grand are their prospects. America attracted by gold has pushed forward her commercial pioneers, not only to the extremity of her territories, but to all the islands of the Pacific. The discovery of gold in California was scarcely less momentous to the Australasian than to the American continent. They are now our nearest neighbours: their markets are affected by our own; their territory offers the quickest transit to Europe; every hour will develop the immense importance of this contiguity—that passage across the isthmus of Panama, once represented as the last achievement reserved for commerce and science in their highest maturity, has already been assured. The common interest of trading nations will strengthen the securities of peace, diffuse civilisation among the thousand islands of the Pacific, and facilitate the extension of Christian knowledge in the remotest portions of the earth. England, the parent—no longer the exclusive centre of Anglo-Saxon civilisation—will find auxiliaries only less powerful than herself in a work once entirely her own.

An impetus has been given to the Australian colonies by the discovery of still richer gold fields than those of California. In six months, more than two millions in value has been taken from the surface of the earth by laborers unskilled in the process, and who have perhaps wasted more than they have secured. The riches which remain scattered over many hundred miles can only be appropriated by the state as they flow through the coffers of commerce. A period cannot be imagined when the precious metal will be exhausted.

The interest excited in Europe by the discovery of new mineral wealth, is chiefly important from its tendency to change the current of emigration to these regions—certainly unsurpassed and scarcely equalled in the world. Here, under a tropical sun, no fever rages; here indigenous diseases are unknown; even those so fatal in Europe rarely visit this hemisphere. The small pox, the measles, and various other disorders fatal to infancy are only occasionally seen, and are scarcely ever mortal. No miasma arises from the marshes: no decaying vegetation poisons the virgin soil. The clement skies and light atmosphere stimulate and confirm the health. Whether long life is the gift of this quarter of the globe is hardly yet determined. Those of middle age who land here find their constitutions recruited; but the country-born come more quickly to maturity. It is probable, however, that the highest average of human life will be attained: fewer will die in infancy, perhaps a smaller proportionate number reach old age.

If the productions of these countries are considered, they will be still more attractive than other unoccupied regions. Nature has multiplied her gifts with a liberal hand. It were more easy to enumerate those that are wanting than those that exist. Gold, silver, iron, copper, coal, and every variety of stone are included in our geological wealth. All the fruits of the tropics and of the most temperate lands may be easily brought to the same table. Taking Tasmania and Port Phillip as the central regions; on the right and on the left the fertile earth yields every variety of European fruits, until the meridian is reached where the sugar cane and cotton tree flourish. It is true, that some other lands present more comparative fertility, but the Australias contain sufficient alluvial soils to satisfy the wants of millions. Washington raised but twenty bushels of wheat per acre in his paternal lands of Virginia. The intelligent Australian farmer often far exceeds that quantity even with imperfect cultivation. Nor is there a season of the year when he cannot toil, or one when the garden is wholly unproductive.

But if the position of Australia in relation to the rest of the world be surveyed, the prospect is still more brilliant. An Englishman measures distance from his native land, and thus his pardonable vanity fixes the Australias at the extremity of the earth. But such is not the real position of New Holland. In reference to the most populous and fertile, or the most ancient and opulent,* it has been compared to the frog or soft part of a horse's foot in relation to the outline of the hoof. With the face turning to the north, America is on the right, Asia and Africa on the left. Great Britain, the parent land, is far more distant from most of those mighty regions which feed her commerce and sustain her

* "Just before I embarked at Plymouth, I visited my grandmother, in order to take leave of her for ever. Poor old soul! she was already dead to the concerns of this life: my departure could make but little difference in the time of our separation; and it was of no importance to her which of us should quit the other. My resolution, however, revived for a day all her woman's feelings: she shed abundance of tears, and then became extremely curious to know every particular about the place to which I was going. I rubbed her spectacles whilst she wiped her eyes, and, having placed before her a common English chart of the world, pointed out the situation of New Holland. She shook her head. 'What displeases, you, my dear Madam?' said I. 'Why,' she answered, 'it is terribly out of the way; down in the very right-hand corner of the world.' The chart being mine, I cut it in two through the meridian of Iceland, transposed the parts laterally, and turned them upside down. 'Now,' asked I, 'where is England?' 'Ah, boy,' she replied, 'you may do what you like with the map; but you can't twist the world about in that manner, though they are making sad changes in it.'"—*A Letter from Sydney; the principal town of Australia. Edited by Robert Gouger, 1829.*

strength than her Australian colonies. They will soon meet her vessels on every shore. Steam navigation will flourish on the Pacific ocean not less than on the rivers of America. The eye that scans the future, guided by calculation rather than fancy, sees the ports of Australia thronged with steamers, or follows them traversing every sea and ocean, and bringing from every city of the civilised world both merchandise and men.

Thus the progress of the next quarter of a century will be multiplied by its years.

When North America separated from Great Britain, she exported not much more than four millions in value per annum. Australia already exports not less.* The commerce of England with her Australian colonies is without parallel. History affords no example of such rapid advancement; and this not as the result of protective laws, or of remarkable intelligence or enterprise, but as the fruit of that boundless opulence scattered by the hand of nature and gathered with unexampled facility. The merchant laments the paucity of navigable streams. Yet there are rivers of many hundred miles extent, which will ultimately be available to commerce. The engineer of Europe would laugh at difficulties opposed by stones, and trees, and marshes. Population will one day justify the improvement by art of what nature has only partially accomplished. But in the level plains of the Australias there is a compensation for this deficiency. Hundreds of miles are almost prepared for the rail road; and as the cheap methods adopted in America become known, the inland communication will be rapidly enlarged.

The late date of the discovery of gold in Australasia has created much astonishment. It seems to have been concealed by Providence, or rather the signs of its existence were not permitted to arrest attention, until the colonies could endure the shock. A shepherd publicly sold at Sydney several ounces of gold in 1844. Years after a still larger quantity was exposed in Victoria (1849). These facts were recorded in the journals of the time; in the first instance scarcely awakening the slightest interest, and the last producing little but distrust and derision. The delay has probably upon the whole benefitted both the colonies and the human race. Had gold been discovered before the era of free immigration

* United States Returns, 1791. Population, 3,921,352; revenue, \$4,771,000; exports, \$19,000,000; imports, \$20,000,000.—*Tomlins' History of America*.

it must have led to frightful disorders. California has added another to those warnings presented in the history of gold mining, that the absorbing pursuit, for a time, suspends the voice of reason and morality. The multitudes who have precipitated themselves on the gold fields of Victoria indicate the uniform direction of similar passions; yet how superior are our present resources to those of former times or of other countries. The governments organised and intelligent, and sustained by the strong moral support of four hundred Christian congregations. The social interests of perhaps not less than fifty thousand families will be able to check, and probably to master, the spirit of anarchy and violence. That any lives should be sacrificed is of course a matter of regret; but the politician and the philanthropist may pronounce in favor of a dispensation which though permitting the sacrifice of a few, will rapidly cover the regions around us with villages, towns, and homesteads.

Though rich beyond example, the mines will be abandoned by the many for whom the pleasures and the rest of home, the calm and even pursuits of industry, and the intercourse of civil and religious life have permanent attractions. Yet the unexampled profusion of the precious metal must rapidly augment our commerce and supply the means of mercantile enterprise. The capital we have so often coveted is now within our reach. The farmer desired a market; he has it in his neighbourhood, at his very door. The demand for foreign articles will give employment to shipping directly trading from the Australian to the producing market. The increase of commerce will thus lead to its independence. The Australian merchant will acquire the same relation to the general trade of the world as the American possesses. The ships of America carry her passengers and convey her produce. She divides the profits equally with her customer.*

* At the close of the first year of our existence as a gold producing country, the mind naturally pauses and contemplates the past, the present, and the future—to those who look upon this land as their home and the scene upon which their children and children's children are to play their part, the year 1851 will ever be one of deep and solemn interest; the events have been of the most startling character, and its results no human intellect can fathom. The first hour of the present year was ushered in by a brilliant sun which rose above the horizon in all its majesty, shedding its gladsome rays over a happy and a prosperous people—every heart was gay—every industrious hand was employed, and our future prospects were as cheering as the most ardent mind could have desired. Our great staple was rapidly increasing, and had even then become an export which commanded the attention of the British nation. Our tallow was of considerable value—our copper mines were presenting indications of richness—our pastoral and agricultural interests were

The happiness and prosperity of the people is by Divine Providence placed within their power. If they grasp at wealth to the neglect of their social and political duties; if, for the sake of selfish ease, they resign to ignorant and violent men the business of legislation; if they tolerate systematic debauchery, gambling and sharpening; if they countenance the press when sporting with religion, or rendering private reputation worthless; if they neglect the education of the rising generation, and the instruction of the working classes; if the rich attempt to secure the privileges of rank by restricting the franchises of the less powerful; if worldly pleasure invade the seasons of devotion; and the worship of God be neglected by the masses of the people,—then will they become unfit for liberty; base and sensual, they will be loathed and despised; the moral Governor of the world will assert his sovereignty, and will visit a worthless and ungrateful race with the yoke of bondage, the scourge of anarchy, or the besom of destruction.

flourishing, and it was evident to all, that we must at no very distant period become a great and prosperous colony. In fact it would have been almost impossible to suggest a discovery that could add to our importance; but before this memorable year had half sped its course, a colonist returned from San Francisco, impressed with the similarity that existed between the geological formation of this land and that in which he had been sojourning, and determined to bring it to light if possible. No sooner was he on shore than he set boldly out on his great expedition, notwithstanding the ridicule of his friends, who promised him disappointment for his reward. What wonderful events have frequently sprung from simple causes! Our mountains and glens had been visited by scientific men of several nations, but they had failed to trace anything beyond mere indications. Such, however, was not the case with Edward Hammond Hargraves, who, after spending a few weeks in the bush, announced to his brother colonists that their hills and valleys contained in rich abundance the precious metal by which the commerce of the world is carried on. All honor be to the man whose keen observation has brought into practical operation so vast a gold field for the employment of British labour and British capital. May he enjoy not only the reward which conscience yields to those who perform a good action, but may his merits be duly appreciated by an Australian public, and that appreciation assume a form that shall descend from father to son, as long as the name of Hargraves exists! Such an addition to our already developed colonial resources cannot fail to add materially to our position, and raise us, in an incredibly short space of time, from a small colony into a noble and powerful nation. Our vast interior will be speedily populated; Britain will be relieved of her starving thousands; and Australia will stand prominently forward as the brightest jewel in Her Majesty's Crown.—*Lloyd's Gold Circular*.

HISTORY OF TASMANIA.

ALPHABETICAL ACCOUNT OF CHIEF PLACES.

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LIST OF CHIEF PLACES.

THE island of Tasmania is situated between the 40th and 44th parallels of south latitude, and between the 144th and 149th degrees of east longitude. Its greatest length is 190 miles, and its breadth, 170. It contains 24,000 square miles, or 15,000,000 acres, having a surface nearly equal to that of Ireland. Its general character is mountainous, with numerous beautiful valleys, rendered fertile by numberless streams descending from the hills, and watering, in their course to the sea, large tracts of country. The south-western coast, washed by the Southern Ocean, is high and cold, but the climate of the northern and inland districts is one of the finest in the temperate zone, and produces in abundance and variety all the fruits which are found under the same latitude in Europe. The harbor of Hobart is one of the finest in the world. The principal rivers are the Derwent, Ouse, Clyde, Jordan, Coal, Huon, and Dee, in the south; and the Tamar, North and South Esk, Macquarie, Lake, Mersey, Leven, Arthur, Blyth, Forth, and Meander, in the north. The chief bays are Adventure Bay, in Bruni Island, so named after Captain Furneaux's discovery ship, and where Cook anchored in his third voyage; Fortescue, Port Arthur, Fredrick Hendrick's (so named by Tasman), Prosser's, Spring, Oyster, and George's Bays, and the Bay of Fires, on the eastern coast; Storm Bay (so named from the weather which Tasman experienced there), Bad Bay (in Bruni Island), Recherche (named after the ship in which D'Entrecasteaux sailed in search of La Perouse), Esperance (after the ship which accompanied the admiral), and Port Davey, on the southern coast; Macquarie Harbor, on the western; Port Sorell, Port Frederic, Emu Bay, and East and West Bay, at Circular Head, on the

northern coast. The principal capes are Cape Grim, the north-western and most northern extremity of the island, in lat. $40^{\circ} 47'$ S., and long. $144^{\circ} 50'$ E.; Cape Portland, the north-eastern point; St. Helen's Head, the most easterly point, in long. $148^{\circ} 25'$ E.; South Cape, in lat. $43^{\circ} 35'$ S.; and West Cape, in long. $144^{\circ} 40'$ E.; St. Patrick's Head, Cape Pillar, and Cape Lodi, on the eastern coast; Tasman's Head, Cape Raoul, and South-west Cape, on the south; Rocky Point, Point Hibbs, and Cape Sorell, on the west; and Rocky Cape, Circular Head, Table Cape, and Stony Head, on the north. The settled part of the island is divided into eleven counties,—three northern, Devon, Dorset, and Cornwall; four midland—Westmoreland, Somerset, Glamorgan, and Cumberland; and four southern—Kent, Buckingham, Pembroke, and Monmouth; each having an area of 1,600 square miles. These counties are subdivided into hundreds and parishes, the former containing 100 and the latter 25 square miles. To most of these divisions, as well as to the fifteen electoral districts, British names have been given. The island is also divided into nineteen police districts, each having a resident police magistrate, chief constable, police clerk, and deputy registrar of births, deaths, and marriages. In the country districts, the police magistrates act as coroners, and in the districts of New Norfolk, Richmond, Oatlands, Campbell Town, Longford, Horton, and South Port, as commissioners of the court of requests. In the first five of these districts they are also deputy chairmen of courts of quarter sessions. The chief and best constructed road in the island is that which connects the towns of Hobart and Launceston. It is 121 miles in length, and 30 years were spent in its construction. The population, according to the census taken on 1st March, 1851, is 70,130; of this number 30,488 are free, 21,590 were born in the colony, and the remainder are prisoners of the crown. The number of places of worship in the colony is 108, containing about 23,000 sittings; the number of ordained ministers is 100; there are also missionaries, lay preachers, and other persons, who supply the remote stations. Of Sunday schools belonging to all denominations there are about 60; of public and denominational schools, 74; of private schools, about 100; besides these, there are a high school, and an episcopal college and two grammar schools. The total number of schools is above 300. Of the public schools, 10 are wholly, and the remainder partly supported by voluntary contributions. There are 109 public institutions of various kinds, inclusive of 2 local and 2 Eng-

lish banks, 2 banks for savings, 4 joint-stock companies, and 3 English and 4 local insurance offices. Of these societies 10 are literary and scientific (including 2 mechanics' institutes, with large libraries, and a school of arts), 17 are agricultural and horticultural, 14 charitable, 9 missionary and religious instruction, 6 benefit, 10 temperance, 7 masonic and odd fellows, and 10 miscellaneous, including a mercantile assistants' association, a turf club, and united service club. Excepting 12, which are partly supported by government, the whole of these institutions are maintained by voluntary subscriptions. The number of houses is 11,844, of which 5,723 are of stone or brick, and the remainder of wood. The number of acres under cultivation is 177,600; the number of horses, 17,200; of cattle, 85,490; of sheep, 1,752,900. The number of vessels belonging to the colony is 240, besides vessels under 40 tons, and their collective tonnage 18,500 tons. There are four northern and two southern light-houses, and about twenty vessels are employed in the whale fishery.

Abercrombie—a township in the parish of Abercrombie and county of Somerset.

Adamson's Peak—a mountain in the south-eastern corner of the island, said to be 4,000 feet high.

Alarm—a river which falls into Bass' Strait on the western side of Rocky Cape.

Altamont—a village on the Derwent, 20 miles from Hobart.

Andover—a village on Little Swan Port River, in the parish of Brisbane and county of Somerset, about 50 miles from Hobart.

Antill Ponds—so called by Governor Macquarie, in honor of Major Antill of the 48th regiment—a district in the county of Somerset, 60 miles from Hobart, the road to which passes through it. There is a post station here.

Apsley—a river in the county of Glamorgan, falling into Oyster Bay.

Apsley—a township in the parish of Apsley and county of Monmouth, about 40 miles from Hobart.

Arthur—a river, flowing into the sea on the western side of the island, about 30 miles south of Cape Grim. It receives in its course the waters of the Hellyer, Horton, Frankland, and Leigh rivers.

Arthur's Range—a chain of mountains in the south-western part of the colony. The most elevated point is 3,900 feet above the sea.

Arve—a branch of the river Huon.

Asbestos—a range of hills extending inland from Port Sorell, in the county of Devon. Some of the elevations are 1,700 feet high.

Auburn—a village on the Isis, in the parish of Hill and county of Somerset. It is about 10 miles from Campbell Town, 40 from Launceston, and 75 from Hobart. Not far from Auburn is the remarkable hill called Jacob's Sugar Loaf.

Avoca—a township in the parish of Avoca and county of Cornwall, near the confluence of the St. Paul's and South Esk rivers. It is 99 miles from Hobart, 62 from Launceston, and 19 from Campbell Town. It is on the road from Campbell Town to the east coast, and contains a small episcopal church (St. Thomas') and school, a post and police station, and two inns. The police magistrate holds a court at Avoca once in a week. At the entrance of the township the St. Paul's river is crossed by a small substantial stone bridge of one arch.

Bagdad—a small township in the parish of Strangford and county of Monmouth. It is on the main road, 20 miles from Hobart. The country near Bagdad is fertile, and the road passes by numerous farms. On the northern side is a beautiful valley, the cultivated part of which is two miles wide, bounded by lofty hills thickly wooded, and through which flows the Bagdad Creek.

Barrow—a lofty hill, about 13 miles east of Launceston.

Bayford—a village in the parish of Spring Hill and county of Monmouth, about 40 miles from Hobart.

Bellerive—a township nearly opposite Hobart, in the parish of Clarence and county of Monmouth.

Ben Lomond—a mountain in Cornwall, 5,000 feet high, about 45 miles from Launceston, and 15 from Fingal. A rivulet of the same name rises here, and falls into the South Esk, about 30 miles from Launceston. About 15 miles north of this mountain is Ben Nevis, 3,900 feet high. During winter these elevated points, which are named after celebrated mountains of Scotland, are covered with snow, and seen from a distance, they present a magnificent appearance. They form parts of a chain of mountains extending inland from St. Patrick's Head to the northern coast.

Beverley—a township on the Ben Lomond Rivulet, in the parish of Beverley and county of Cornwall, about 30 miles from Launceston.

Bishopsbourne—a village in Westmoreland, about 8 miles from Longford and 26 from Launceston. It contains a post station, an inn, and a school. Christ's College is situated here.

Boobyalla—a small river in the county of Dorset, flowing into Ringarooma Bay, in the north-eastern corner of the island.

Bothwell—a town in the parish of Grantham, and county of Monmouth, 44 miles from Hobart, and 104 from Launceston. It is situated on the eastern side of the Clyde, in the midst of a level and excellent pastoral country, well watered. There are a church, (occupied alternately by English and Scotch congregations), a church of England day school, a library society, three inns, some small shops, a police office, and post station in the town. It has a resident assistant police magistrate. The population of the town and police district is 1,045; the number of houses 200, of which 72 are of stone or brick.

Boyd—a small river on the western side of the island, falling into the Gordon.

Blackman's River—a stream which rises in Somerset and falls into the Macquarie, about 4 miles south of Ross.

Blythe—a river rising in Devon and falling into Bass' Strait, about 5 miles east of Emu Bay.

Break o' Day—a stream watering plains of the same name, in the south-eastern part of the county of Cornwall. It joins the South Esk about 5 miles east of Fingal. The country here is from 500 to 800 feet above the sea, and is well adapted for grazing purposes.

Bridgewater—a village and post station on the Derwent, in the parish of Wellington and county of Buckingham, 12 miles above Hobart. The Derwent, which is about three-quarters of a mile in width at this place, is crossed by a bridge of wood, which forms a part of the main road from Hobart to Launceston, and is said to be the largest work of the kind in the Australian colonies. The river is spanned to a length of 2,300 feet by an earthen causeway, and the length of the bridge from the end of this to the northern shore is 1,010 feet, with a breadth of roadway of 24 feet; the whole length of the work being 3,310 feet, or nearly three-quarters of a mile. The navigation of the river is preserved by means of a moveable platform near the northern shore. The timber was procured from Mount Dromedary, 7 miles from the bridge, which was begun in January, '48, and opened in April, '49. The cost was £7,580.

Brighton—a town in the parish of Drummond and county of Monmouth. It is on the eastern side of the Jordan, on the main road, 17 miles from Hobart, and 104 from Launceston. The country around Brighton is cultivated and fertile, and was early occupied. On the right is a branch road to Jerusalem and Jericho, districts on the Coal River. On the left is the district on the Jordan, called the Broad-marsh. Brighton has a resident magistrate, a post station, several inns, small stores, and retail shops. The church (St. Mark's) and police office are at Pontville, near the town. The population of the town and police district is 2,582, and the number of houses 427, half of which are of stone or brick. Brighton is also an electoral district, for which John Walker, Esq., is the first member.

Brown's River—a stream rising near Mount Wellington, and falling into the Derwent about 10 miles below Hobart. The land on its banks is fertile, and is divided into many small farms. There is a village and post station here, 8 miles from Hobart, containing an episcopal church and day school, and a Wesleyan chapel. This district is celebrated for the fineness of its potatoes.

Brumby's Creek—a small stream rising among the Westmoreland mountains, and joining the Lake River, about 12 miles south of Longford. Several streams rising near the Western Lagoon fall into it.

Bruni—an island lying between D'Entrecasteaux Channel and Storm Bay, at the entrance of the Derwent. It was named after the French admiral who discovered it. It is about 50 miles long, and varies in breadth from 4 to 15 miles. It consists of two parts, connected by a long and narrow neck of land. There are a township called Lonnon and several farms in the northern part of the island, and in most of the bays many fine kinds of fish are found in abundance. There is a light-house on Bruni Head, the south-western point of the island, and off one of the southern capes is a remarkable rock, closely resembling in its form the pedestal and shaft of a monumental pillar.

Buckingham—a southern county and electoral district. Hobart is in this county. R. W. Nutt, Esq., is the first member for the district.

Buckland—a village at Prosser's Plains, in the county of Pembroke, on the eastern coast, 34 miles from Hobart and 155 from Launceston. It has an episcopal church, and a police and post station. The assistant police magistrate of the district holds a court here once in a week.

Buffalo Brook—a beautiful stream rising under Ben Lomond, and joining the South Esk near Eastbourne.

Burford—a village in the parish of St. Alban and county of Cumberland, about 60 miles from Hobart.

Burgess—a township at Port Sorell, in the county of Devon, on the northern coast, 157 miles from Hobart and 60 from Launceston. It has a resident police magistrate, a small episcopal church and school, and a post station.

Burghley—a village on the Leven, near the Surrey Hills, in the county of Devon. It is on the road through the western district, about 60 miles from Launceston. The Van Diemen's Land Company has a station here.

Burnham—a village in the parish of Cambridge and county of Monmouth, about 40 miles from Hobart.

Cam—a river rising in the Hampshire Hills, and falling into Bass' Strait a few miles west of Emu Bay.

Campbell Town—a town in the parish of Campbellton and county of Somerset, 89 miles from Hobart, and 42 from Launceston. It is situated in a level pastoral country, on the Elizabeth River, and the main road from Hobart to Launceston passes through it. The town consists chiefly of one long street, in which are four large inns, a brewery, some stores, small shops, and an assembly room. There are in the town an episcopal and presbyterian church (St. Luke's and St. Andrew's), a Wesleyan Chapel, and schools. The river is crossed by a bridge or causeway, 200 yards long, and on the southern side are numerous fine farms. The road to Avoca, Fingal, and the eastern coast here branches off from the main line. In the town there are also a gaol and police and post offices. There is a resident police magistrate. The population of the town and police district is 2,319, and the number of houses, 255 of which are of stone or brick, is 386. Campbell Town is also an electoral district. It is considered to be the middle district of the colony, and the Midland Agricultural Association originated here. R. Q. Kermode, Esq., is the first member for Campbell Town.

Carlton—a village and post station on the stream of that name, in the parish of Carlton, and county of Pembroke, about 35 miles from Hobart. The Carlton falls into North Bay, below Pittwater.

Carrick—a township and post-station on the west bank of the Liffey and western road, in the parish of Carrick and county of Westmoreland, 113 miles from Hobart and 10 from Launceston. The Liffey is crossed by a bridge at the town-

ship. There are a small episcopal church and day school, a mill, a brewery, and three inns. Annual races are held near the township.

Catemara—a small stream falling into Recherche Bay, in the county of Kent.

Circular Head—a bold promontory, 500 feet high, forming part of a small peninsula in the north-west corner of the island, about 30 miles east of Cape Grim. It is seen at sea at the distance of 10 leagues. It is 280 miles from Hobart, and 160 from Launceston, and here the western road terminates. The town of Stanley, which stands on the eastern side, contains an episcopal church, a Roman catholic chapel, a post station, a custom-house, three inns, and some substantial buildings. It has also a benevolent society, and schools. There is a resident police magistrate. The Van Diemen's Land Company has an extensive establishment here, and a considerable trade is carried on between the settlers in the neighborhood and Victoria, to which large quantities of timber, potatoes, and other produce grown on the fertile farms on the coast, are shipped in small vessels belonging to the port. The town and district of Stanley have greatly advanced during the last ten years, under the intelligent management of Mr. Gibson, the company's agent. The failure of the previous management may be traced to those general causes which have always prevented the success of similar companies, when they have attempted cultivation and grazing. Mr. Gibson urged upon the company the importance of establishing a tenantry, and succeeded in attracting a considerable rural population by offering advantageous terms to small farmers. The arrangements made with them, from the depression of prices, proved unfavorable to the company, but the prosperity of their tenants has probably firmly fixed a population on their estates, which will ultimately indemnify them for all their losses. Occupying a geographical position highly favorable to trade, and in the vicinity of extensive forests of valuable timber, there can be no doubt that within a few years their settlements will become of great importance. Within a few hours' sail of Port Phillip and South Australia, their timber will find an increasing market, and enable their settlers to turn to good account what often elsewhere proves an incumbrance. The population of the district, which is called Horton, is about 900, and the number of houses 137.

Clarence Plains—a cultivated and fertile district on the east bank of the Derwent, nearly opposite Hobart. It

contains the villages of Rokeby, Kangaroo Point, and Bellerive.

Cleveland—a village in the parish of Cleveland and county of Somerset, on the main road, 91 miles from Hobart, and 30 from Launceston. There are a small chapel, two inns, a post and police station, with a district constable. The police magistrate of Campbell Town holds a court here once in a week. A branch road to the eastern coast breaks off at the township, and Epping Forest is a short distance on the Launceston side of it. The country near Cleveland consists chiefly of grazing farms.

Clyde—a river which divides the county of Monmouth from Cumberland, and falls into the Derwent above the township of Macquarie, about 40 miles from Hobart. Its waters, together with the Dee, Ouse, Shannon, and Jordan, a fine district of the same name.

Coal River—a stream rising in the northern part of the county of Monmouth, and falling into the bay of Pittwater, at Richmond. The Wallaby and Kangaroo rivers fall into it.

Cocked Hat Hill—a name given to a hill on the side of the main road, 8 miles from Launceston. A fine view of the Tamar is obtained from its top. There are a post and police station, a small church, and an inn in the village at this place, where the roads to Perth and Evandale separate.

Colebrooke—a village in the parish of Ormaig, and county of Monmouth, about 30 miles from Hobart. It has a small episcopal church and school.

Cornwallis—a village in the parish of Cornwallis and county of Somerset, about 80 miles from Hobart.

Cornwall—a northern county and electoral district. Launceston is in this county. J. W. Gleadow, Esq., is the first member for the district.

Cullenswood—a small village and post station at St. Paul's Plains. It has a small episcopal church.

Cumberland—a midland county and electoral district. Bothwell is the principal town. W. S. Sharland, Esq., is the first member for the district.

Deloraine—a township and post station on the Meander, in the parish of Calstock, and county of Westmoreland, 132 miles from Hobart, and 30 from Launceston. It contains a small episcopal church and a Wesleyan chapel, and three inns. There is a police station with a district constable, and the assistant police magistrate of Westbury holds a court twice in a week. About 15 miles from Deloraine, in the Western Mountains, are situated the great caves, which, in

extent and beauty, perhaps equal subterranean wonders of more celebrity. They have not often been visited; but those who have seen them describe them as being extremely grand and beautiful. The entrance of the principal cave, which is considerably more than two miles in length, is in the limestone rock, at the upper extremity of a narrow ravine, down which flows the stream which issues from the mouth of the cave, and extends throughout its whole length. The opening is thirty feet high, and fifty or sixty in width. At a considerable distance from the entrance light is admitted by two openings in the roof, the only ones throughout the whole extent of the cave, and when these are passed the full beauty of the scene breaks upon the view of the visitor. Stalactites of every form, hang like icicles from the roof; some presenting the appearance of inverted cones, others that of glistening semi-transparent tubes, about the thickness of a pipe stem, and several yards in length. In some parts, the stalactites, meeting with their opposite stalagmites, form pillars in appearance supporting a roof of immense height. In other places they assume the form of elegant and flowing drapery thrown over the huge rocks that project from the sides of the cavern. The fringes of this drapery, when struck by any hard substance, give forth a ringing sound, and every variety of note, high or low, according to their respective lengths. The floor is covered with stalagmites of every form, and it sparkles as if paved with diamonds. If the visitor extinguish his torch, myriads of glow-worms are seen to cover the roof and walls, emitting a faint blue light, and making the surrounding stalactites appear like spectres in the gloom. As the spectator proceeds, new objects of wonder appear. In some places the stalactites, shooting out in all directions, into innumerable small fibres, appear like fret-work along the roof; in others like masses of elegant drapery, extending fold above fold, to the height of thirty or forty feet, from the floor to the roof. Near the entrance of the cave they are of a grey or brownish color, but in the interior they are of a pure white. There are several chambers, some of great beauty, which branch off from the main passage, and have been formed by the rivulet which passes through the cave. Others will probably yet be discovered in the Western Mountains.

Denbigh—a township in the parish of that name, and county of Somerset, on the Lake River, about 80 miles from Hobart.

D'Entrecasteaux—the name of the channel between the

main land and Bruni Island, so called after the French admiral who first sailed through it. A small river of the same name flows into Recherche Bay. On the western side of the entrance of the channel is the reef on which the *Acteon* was wrecked, in 1822.

Derwent—a river which rises at Lake St. Clair, in the western mountains, and flows through the county of Buckingham, which is well watered by it and its numerous tributaries. The land on the banks of the Derwent is fertile, with occasional tracts well adapted for grazing and pastoral purposes. In the upper Derwent there is a fall of some magnificence, and the scenery on the banks of the river is various and beautiful. The Derwent receives in its course the waters of the Dee, (flowing from Lake Esk) Clyde, Jones, Ouse, Styx, Plenty, and Thames. From its source to Hobart it is about 70 miles long, and to its entrance at Storm Bay 85 miles.

Devon—a northern county.

Douglass—a river in Glamorgan, on the eastern coast. Excellent coal is procured in its neighborhood.

Dulcott—a township in the parish of Forbes, and county of Monmouth, about 60 miles from Hobart.

Eastbourne—a township in the parish of Eastbourne, and county of Cornwall, near the South Esk.

East Grinstead—a township in Somerset, about 80 miles from Hobart.

Ebrington—a township in Cumberland.

Elderslie—a village near the Jordan, in the parish of Wallace and county of Monmouth, about 40 miles from Hobart.

Eldon—a range of hills on the western side of the island, southward of the river Macintosh.

Emu Bay—a harbor on the northern coast, about 45 miles west of the Tamar heads. The Van Diemen's Land Company has an establishment at Emu Bay, and there is also a police and post station and an inn. The road to Circular Head passes by the bay. The country here abounds with timber, of which large quantities are exported. A stream called the Emu falls into the bay.

Enfield—a township in the parish of Staffa and county of Monmouth, about 20 miles from Hobart.

Esperance—a harbor on the south-eastern coast, into which falls a river of the same name.

Evandale—a town in the parish of that name and county of Cornwall, 115 miles from Hobart and 11 from Launces-

ton. It is prettily situated on the eastern side of the South Esk, and contains several substantial brick buildings, three large inns, and a steam flour mill. It has a resident magistrate and a post station. There are two well-built, neat, and commodious churches (episcopalian and presbyterian), a Wesleyan chapel, and a good subscription library.

Evercreech—a township in the parish of that name, and county of Cornwall, about 120 miles from Hobart.

Exeter—a village on the west bank of the Tamar, about 15 miles below Launceston.

Falmouth—a township near St. Patrick's Head, in Cornwall, on the eastern coast, 141 miles from Hobart and 104 from Launceston. There is a post station here and an inn. The produce of some of the farms on the coast is forwarded to Hobart by sea from this place.

Fingal—a township in the parish of Fingal and county of Cornwall, on the southern side of the South Esk. It is 100 miles from Hobart and 70 from Launceston. The road from Campbell Town to the east coast passes through it. On the banks of the Esk in this district are many fine farms, as well as tracts of pasture land. There is a resident police magistrate and a post station at Fingal, and two inns. There are 877 persons in the township and district, and 134 houses. About 11 miles beyond Fingal the road has been carried with immense labor, to a distance of 5 miles round the face of a high, rocky, and almost perpendicular hill, called St. Mary's Pass. On one side the hill towers above the traveller, and on the other he sees a precipice of many hundred feet. Gold has been discovered in the neighborhood.

Forth—a fine river in Devon, falling into Bass' Strait, between the Mersey and the Leven.

Frankland—the name of a range of hills on the western side of the island. A mountain called the Frenchman's Cap, 3,800 feet high, is near this range.

Franklin—a township on the river Huon, in the county of Buckingham, about 28 miles from Hobart and 149 from Launceston. It has an assistant police magistrate, an episcopal church and school, and a post station.

Franklin—a village on the main road, 117 miles from Hobart and 3 from Launceston. It contains a small church, an excellent private school, and two inns. About half a mile on the south side of the village there is a substantial stone bridge crossing a deep ravine.

George Town—a town in the parish of George Town and county of Dorset, 153 miles from Hobart, and 32 from Laun-

ceston. It is situated on the shore of a small bay of the Tamar, about 4 miles from the entrance. It was originally intended to fix the northern head-quarters at George Town, but the scarcity of water, and some other local disadvantages, caused the abandonment of the plan. The town is now chiefly supplied from Launceston, many inhabitants of which resort to it as a summer residence. It contains a small church, a school, three inns, and has a resident magistrate and a post station. The population of the town and district is 601, the number of houses 115. There is a road to George Town down the eastern side of the Tamar, but communication is chiefly carried on by water.. Outward-bound vessels waiting for a fair wind usually anchor off George Town, where there is a convenient bay.

Glenorchy—a township and post station in the parish of Glenorchy and county of Buckingham, 7 miles from Hobart, near New Town.

Gordon—a river on the western coast. It passes through a wild and romantic country, and falls into Macquarie Harbor.

Great Swan Port—a bay on the eastern coast. A river of the same name falls into it. The district has a police magistrate, an episcopal and a presbyterian church, and a post station. The population of the town and district is 1,684, and the number of houses 274, 105 being of stone or brick.

Green Ponds—a district and township 29 miles north of Hobart, on the main road. It is situated in a fine valley, at the southern entrance of which is Constitution Hill. There is a church (St. Mary's) and school, a congregational chapel, two inns, and a police and post station. The assistant police magistrate of Brighton holds a court at Green Ponds twice in a week.

Grindlewald—a township in the parish of Denbigh and county of Somerset, about 80 miles from Hobart.

Hadspen—a village on the Westbury road, in the parish of Launceston, 128 miles from Hobart. There is a small church, a Wesleyan chapel, an inn and a post station. The South Esk is crossed by a wooden bridge at this place.

Hamilton—a town on the Clyde in the parish of Hamilton and county of Monmouth, 43 miles from Hobart and 93 from Launceston. There is a church (St. Peter's) and school, two inns, and other buildings in the township, which has also a resident police magistrate and a post station. The

population, including that of the district, is 1,415, and the number of houses 281.

Hobart—in the parish of Hobarton, and county of Buckingham, is the chief town of the colony, and is in lat. 42°. 53' S., and long. 147°. 21' E. It was named after Lord Hobart, once secretary for the colonies; and stands on the shores of Sullivan's Cove, about 15 miles from the entrance of the Derwent. It is finely situated on a rising ground, and covers a surface of nearly two square miles. On the western side it is bounded by a range of wooded hills, with Mount Wellington, a snow-capped mountain, 4,000 feet high, in the back-ground. On the southern side of the harbor there are many beautiful residences, and, on a commanding eminence, fine military barracks. Close to the harbor, on the western side, stands the government-house, an extensive range of wooden buildings, erected at different times. Mulgrave Battery is on the southern side of the harbor. The streets are regular and well made; and many of the buildings—some built of freestone—are commodious and handsome. The wharves are extensive and well constructed, and are lined with numerous large stone warehouses and stores. St. David's church is a large well-built brick edifice, in the Gothic style, stuccoed, and well fitted up. The court house, nearly opposite the church, is a large stone building, containing various offices. The hospital and prisoners' barracks, on the north-eastern side, are extensive buildings. The police office is a substantial edifice. The female factory and orphan schools, a short distance from the town, on the western side, are commodious buildings. The commissariat stores, the treasury, the bonded stores, the custom-house, and other public buildings are built of freestone. The legislative council chamber is included in the custom-house. On the north side of the harbor are situated the engineer stores and other government buildings. On this side also is the government domain, a large open piece of ground, used as a place of amusement and exercise. The magnetical observatory is erected here. Many of the shops are large and handsome. Besides St. David's (the cathedral church), there are three handsome episcopalian churches—Trinity, St. George's, and St. John's. There are two presbyterian churches—St. Andrew's and St. John's—both commodious buildings—one Roman catholic church, two Wesleyan chapels, three congregational churches, a baptist chapel, a free presbyterian church, and a synagogue. There are four banks and a bank for savings,

three local and two English insurance companies, and a company to establish steam communication with the adjoining colonies. The educational establishments are the High School and Hutchins' School, besides private schools. The public institutions are the Mechanics' Institute, the Tasmanian Society of Natural Science, the Royal Society, the Public Library, Gardeners' and Amateurs' Horticultural Society, St. Mary's Hospital, Dispensary and Humane Society, Dorcas Society, Hebrew Benevolent Institution, Asylum for the protection of destitute and unfortunate females, Branch Society for Promoting Christian Knowledge and for the Propagation of the Gospel, Auxiliary Bible Society, Wesleyan Library and Tract Society, Society for the Propagation of the Gospel in Foreign Parts, Auxiliary London Missionary Society, Wesleyan Missionary Society, Colonial Missionary and Christian Instruction Society, Infant School, Auxiliary of British and Foreign School Society, Wesleyan Strangers' Friend Society, Sunday School Union (including eight schools), three Masonic Lodges, Masonic Benevolent Fund, three Odd-fellow's Lodges, with Widows' and Orphans' Funds attached, Independent Order of Rechabites, Hibernian Benefit Society, four Temperance Societies, Society of Licensed Victuallers, Choral Society, Mercantile Assistants' Association, Turf Club, Bathing Association. There are a wet dock and a patent slip, and 170 vessels belonging to the port, their collective tonnage being 14,640. The population is 23,107, and the number of houses 4,050; 2,932 of which are of stone or brick. Five bi-weekly newspapers and a Government *Gazette* are published in Hobart. T. D. Chapman, Esq., and J. Dunn, jun., Esq., are the first members of council for the city.

Huon—a river which falls into the sea about 30 miles below Hobart. At its mouth there is a pretty island of 300 acres, also called Huon. On the northern side of the river, about 5 miles from the entrance, there is a beautiful bay, named by the French discoverers the Port of Swans. The banks of the stream are finely wooded, and the timber, of which immense quantities are cut, is of great value. Fine spars for shipbuilding purposes are found here, as well as the mimosa bark. Ships of considerable tonnage can ascend the river for a distance of many miles. In the upper part of the river grows the valuable pine, to which the name of the district has been given. Many of the trees attain to a gigantic size, and some have measured ninety feet in circumference. The district contains on the

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banks of the Huon many fine farms, and the population is 2,988; the number of houses, 570. Richard Cleburne, Esq., is the first member for the district.

Hythe—a township at South Port, a harbor on the western side of Entrecasteaux's Channel. The township stands on the South Port river, which falls into the bay, and is about 50 miles from Hobart.

Ilfracombe—a village on the west bank of the Tamar, 25 miles from Launceston.

Invermay—a village near Launceston, on the road to George Town.

Isis—a beautiful river in Somerset, falling into the Macquarie, about 6 miles north of the village of Lincoln, which, with Auburn, stands on its banks.

Jericho—a township and post station on the Jordan, in the parish of Spring Hill and county of Monmouth, 43 miles from Hobart, and 78 from Launceston. On the southern side is the district called Lovely Banks.

Jerusalem—a township in the parish of Ormaig and county of Monmouth, 28 miles from Hobart, near the source of the Coal River. A police magistrate's court is held here once in a week, and there is a post station. An episcopalian clergyman is stationed at this place, and ministers of other denominations occasionally officiate in the district.

Jordan—a river flowing from a lagoon near Oatlands, and falling into the Derwent at Herdsman's Cove. It passes by Brighton.

Kangaroo Point—a village on the eastern side of the Derwent, opposite Hobart. A police magistrate's court is held there twice in a week, and there is a post station, a chapel, and a school. After crossing the Derwent, the road from Hobart to Richmond and Sorell begins at this place.

Kelso Bay—a small bay on the western side of the Tamar, opposite George Town. There are several marine residences on its shores.

King—a small river rising near Mount Sorell, on the western side of the island, and falling into Macquarie Harbor.

Kingston—a town at the entrance of Brown's River, about 10 miles south of Hobart, and 130 from Launceston. It has an episcopal church and school, and a post station.

Lakes—In the south-eastern part of the county of Westmoreland lay several large lakes,—Great Lake, Crescent Lake, Arthur's Lake, Lake Sorell, and Lake Echo. The first has a circumference of about 90 miles; the others vary

from 10 to 30 miles round. They are situated on high land, amidst magnificent and picturesque scenery. They are frequented by innumerable quantities of black swans, and game of every kind, and large flocks of kangaroos and emus are found in their vicinity.

Lake River—a considerable stream which rises among the lakes in the south-eastern part of Westmoreland, and joins the South Esk at Longford.

Launceston—in the parish of Launceston and county of Cornwall, is the second town of the colony, and is in lat. 41°. 24'. S., and lon. 147°. 10'. E. It stands at the confluence of the North and South Esk rivers, which here discharge their waters into the Tamar. It is 121 miles from Hobart, and 40 from the sea at Port Dalrymple. On the east and west it is bounded by hills, and on the north stretches the valley of the Tamar. The town is well laid out, and viewed from the hills which overlook it, or from the Tamar, it has a picturesque appearance. The wharves, which afford accommodation to vessels of large tonnage, extend along the river which forms the northern boundary. Farther up are numerous spacious stores and other commercial buildings. There are two large episcopal churches, a handsome presbyterian church, a Roman catholic church (all built in the Gothic style), a Wesleyan chapel, two congregational chapels, a free church, a baptist chapel, and a synagogue, all neat and commodious buildings. The court house, the gaol, the house of correction, female factory, and several other government establishments, are large and well-built. Many of the shops, offices, inns, and private buildings are of considerable size and respectable appearance. On the hill which bounds the town on the eastern side, and commands a splendid view of the town and river, are many private residences and gardens. There are four banks, four insurance offices, three printing establishments, and two bi-weekly newspapers. The principal public offices are the police office, the custom-house, the post office, and the port office. The population of the town is 10,855, the number of houses, 2,181; 798 of which are of stone or brick. There are an episcopal grammar school, a Wesleyan day school, an infant school, three episcopal day schools, a catholic school, seven Sunday schools, and numerous private schools. The public institutions, besides the banks and insurance offices, are a mechanics' institute and reading room, a library society, several circulating libraries, two horticultural societies, a benevolent society, auxiliary bible society, two masonic

lodges, odd fellows society, rechabite society, and a teetotal society. There are 70 vessels belonging to the port, their collective tonnage being 8,564 tons. There is also a floating dock. Richard Dry, Esq., the hon. the speaker of the Legislative Council, is the first member for the electoral district of Launceston.

Leipsic—a township in Cornwall, at the St. Paul's River.

Leren—a river which rises near Mount Gipps in the county of Devon, and falls into Bass' Strait, about 10 miles east of Emu Bay.

Liffey—a small stream in Westmoreland which falls into the Meander or Western river, a short distance north of Carrick, which stands on its banks.

Lincoln—a village in Somerset at the junction of the rivers Macquarie and Isis, about 95 miles from Hobart, and 30 from Launceston. It contains an inn and a few houses.

Little Swan Port—a boat harbor at Oyster Bay, on the eastern coast. A stream of the same name falls into it.

Llewellyn—a small village in Somerset, on the road from Campbell Town to the eastern coast, near the South Esk.

Longford—a town prettily situated at the junction of the rivers Lake and South Esk, in the parish of Longford and county of Westmoreland, 115 miles from Hobart, and 14 from Launceston. The population of the town and district is 3,829, and the number of houses 595, half of which are of stone or brick. It has a resident police magistrate, (who is also deputy chairman of quarter sessions and the court of requests,) a postmaster, and other officers. It contains a neat episcopal church, built in the Gothic style, several schools, a Wesleyan chapel, a court house and gaol, several large inns, a brewery, a mill, and many substantial buildings. Longford is also an electoral district, for which Joseph Archer, Esq., is the first member.

Macquarie—a river which rises in the northern part of the county of Monmouth, and flowing through Somerset, by Ross and Lincoln, joins the Lake after receiving the waters of the Elizabeth, Blackman's, and Isis. The district through which the Macquarie flows, is one of the finest in the island, and on its banks are the residences of numerous settlers. On the eastern bank, about five miles from Campbell Town, there is a presbyterian church, having a resident minister. There is also a post station.

Macquarie Harbor—a large bay on the western coast, into which fall the rivers King and Gordon. There was once a penal settlement here, but it has long been abandoned.

The country along this part of the coast, and to a considerable distance inland, has not yet been opened up, and is little known. It is high, and in some places rocky and mountainous. Pine of good quality is procured in the neighbourhood.

Macquarie Plains—a district in Cumberland, on the northern side of the Derwent. It contains several sheep and agricultural farms, and the village of Macquarie, 39 miles from Hobart, which contains a church and post station.

Maitland—a township on the Isis.

Maria Island—(so named by Tasman), an island off the eastern coast of the county of Pembroke, about 7 miles from the main land. A narrow sandy isthmus connects the northern and southern parts of the island, and has on its western side Oyster Bay, and on the eastern Reidle Bay. The scenery is romantic and picturesque. The northern and southern coasts are high and rocky. In the northern part there is a remarkable mountain, 3,000 feet high, on the summit of which are two rocks projecting one above the other, called the Bishop and Clerk. The base is composed of petrified shells. Near here on a small stream is the penal settlement of Darlington, at which are several government buildings, the residences of a commandant, magistrate, religious instructors, and other officers, and a post station.

Marlborough—a village in Cumberland, near the Ouse. The assistant police magistrate of Hamilton holds a court here, and at the bridge on the Ouse once in a week.

Meander—a small stream which rises in the western mountains, and, passing Deloraine, falls into the South Esk at Hadspen. The Dairy, Quamby, and Liffey rivulets fall into it.

Mersey—a considerable river in Westmoreland, which rises in the western mountains, and falls into Bass' Strait, about 10 miles west of Port Sorell. Its mouth forms a small harbour, called Port Frederic. There is a village called Frogmore at this place, where timber is cut and exported. Coal has been found in the neighbourhood.

Montague—a small stream falling into Bass' Strait, in the north west corner of the island.

Morven—a northern electoral district. It consists of agricultural farms, and Evandale is the chief town. The town and district contain 2,311 inhabitants, and 372 houses. James Cox, Esq., is the first member for the district.

Mountains—The principal mountains are the western range in Westmoreland, of which the highest point is Quamby's or Dry's Bluff, 4,590 feet above the sea; a high rocky range in Cornwall, of which Ben Lomond and Ben Nevis are the highest points, and the Eldon range. A range extends along the western coast, and another farther inland, of which the highest points are the Frenchman's Cap, 3,800 feet above the sea; Mount Arrowsmith, east of the former, 4,075 feet high; Mount Humboldt, 5,520 feet; Cradle Mountain, 4,700 feet. St. Valentine's Peak, on the Van Diemen's Land Company's estate, is 4,000 feet high; Mount Wellington, near Hobart Town, 4,195 feet.

Neville—a township in the parish of Abergavenny and county of Cumberland, on the Clyde.

New Norfolk—a town in the parish of New Norfolk and county of Buckingham, on the Derwent and Lachlan rivulet, 21 miles from Hobart, and 119 from Launceston. It has a resident police magistrate and post master, and contains an episcopal church (St. Matthew's) and school, a Wesleyan chapel, and another place of worship, a police office, a government house, an asylum for insane persons, and several inns. The population of the town and district is 2,226, and the number of houses, 389. The district contains several fine farms. Coaches run daily to New Norfolk from Hobart, and communication between the two places is also carried on by means of boats on the Derwent. New Norfolk is also an electoral district, for which M. Fenton, Esq., is the first member.

Newtown—a town in the parish of Hobart and county of Buckingham, 2 miles north of Hobart, and 119 from Launceston. It contains an episcopal church (St. John's) and school, a handsome congregational chapel, the Queen's orphan schools, two inns, a post station, and several handsome private residences.

Nile—a small river which rises near Ben Lomond and falls into the South Esk, about 10 miles south of Evandale.

Nive—a river which forms the western boundary of the county of Cumberland, and falls into the Derwent.

Norfolk Plains—a fine district in the north-eastern part of Westmoreland, between the rivers Lake, South Esk, and Liffey. It consists chiefly of small agricultural farms, and contains the towns of Longford and Carrick, and the villages of Bishopsbourne and Cressy. Cressy is on the estate of the Van Diemen's Land Establishment, and has a small episcopal church, a Wesleyan chapel, and an inn.

North Esk—a river which rises in the Ben Lomond range, in the eastern part of the county of Cornwall, and falls into the Tamar at Launceston. The St. Patrick's river, a small stream, falls into it.

Oatlands—a considerable town in the parish of Oatlands and county of Monmouth, 51 miles from Hobart, and 70 from Launceston. It contains an episcopal (St. Matthew's) and Roman catholic church, a Wesleyan chapel, several schools, a gaol, police and post offices, a military station, several inns, and other large buildings. It has a resident police magistrate, and courts of request and quarter sessions are held in the town. The supreme court sits twice in a year. The population of the town and police district is 1,873, and the number of houses 279. Oatlands is also an electoral district, for which H. F. Anstey, Esq., is the first member.

Orielton—a village in the parish of Sorell, and county of Pembroke, on the eastern side of Pittwater Bay.

Ouse—a considerable river which rises in the western side of the county of Westmoreland, and falls into the Derwent in the southern part of Cumberland. At the bridge on the upper part of the river, there is a village, containing a church and school house, and a post and police station. The assistant police magistrate of Hamilton holds a court here once in a week.

Oyster Bay—a harbor on the eastern coast. The rivers Swan and Little Swan Port and other streams fall into it. The road from Prossor's to St. Paul's Plains is along its western side, and on the eastern side is Shouten's Island, where coal of good quality is procured. The bay has several boat harbors. There are several farms on the western side. There is a bay of the same name on the western side of Maria Island.

Patterson's Plains—a district in Cornwall, lying south-west of Launceston. It is watered by the North Esk, on which are two flour mills, and a bridge. The district has a small episcopal church and school, and a Wesleyan chapel.

Pedder—a lake and river on the western side of the island, named after the Chief Justice.

Perth—a town on the northern bank of the South Esk, in the parish of Perth and county of Cornwall, 110 miles from Hobart, and 11 from Launceston. It has an episcopal church and school, a Wesleyan chapel, three inns, and a police and post station. The South Esk is crossed at this place by one of the best stone bridges in the island.

Picton—a township in the parish of Dysart and county of Monmouth.

Piper's—a small river in Dorset, which falls into Bass' Strait, near Stony Head.

Plenty—a small stream in Buckingham, falling into the Derwent above New Norfolk.

Port Arthur—one of the penal settlements on Tasman's Peninsula.

Port Dalrymple—the entrance of the Tamar, so called by Captain Flinders, in honor of the hydrographer to the admiralty.

Port Davey—a large harbor, lying on the south-western coast.

Ramsgate—a village on the shore of D'Entrecasteaux's channel, in Kent.

Richmond—a town at the mouth of the Coal River, in the parish of Ulva and county of Monmouth, 15 miles from Hobart, and 100 from Launceston. It contains an episcopal and a catholic church, a congregational chapel, a police office, post station, a gaol, and court house, and several inns. It has a resident police magistrate, and the population of the town and district, which consists of farms, is 3,144, and the number of houses 545, nearly half of which are of stone or brick. The Coal River, which here falls into the bay of Pittwater, is crossed at the town by an excellent stone bridge of six arches. Richmond is an electoral district, for which T. G. Gregson, Esq., is the first member.

Risdon—a village at Clarence Plains, nearly opposite Hobart. There is a ferry at this place, which was the site of the first settlement in the colony.

Rochford—a township in Cumberland.

Ross—a township on the Macquarie, in the parish of Ross and county of Somerset, 73 miles from Hobart, 47 from Launceston, and 6 from Campbell Town. It contains an episcopal church and school, a chapel, a police and post station, and two inns. The police magistrate of Campbell Town holds a court here once in a week. There is a bridge across the Macquarie at this township. The district is chiefly agricultural.

Rugby—a township on the Derwent, in the parish of Sutherland and county of Buckingham.

Shannon—a river which rises at the Great Lake in Westmoreland, and falls into the Ouse.

Shepton Montacute—a township in Monmouth.

Sidmouth—a village on the west bank of the Tamar,

about 20 miles from Launceston. There is a presbyterian church here, and a resident minister.

Sorell—a town in the parish of Sorell and county of Pembroke, 23 miles from Hobart, and 144 from Launceston. It has an episcopal church (St. George's) and school, a presbyterian church, a police and post office, and other public buildings. There is a resident police magistrate. The population of the town and district is 3,354, and the number of houses 370. A small stream falls into the bay of Pittwater, close to the town. The district is electoral; Askin Morrison, Esq., is the first member.

South Esk—a considerable river which rises in the eastern part of the county of Dorset, and after a circuitous course, in which it passes the towns of Fingal, Avoca, Evandale, Perth, and Longford, falls into the Tamar at Launceston. About half a mile from the place where it joins the Tamar, the river forms a considerable basin, surrounded by lofty hills, and having a water-fall at the upper part. A few yards lower down, there is another cataract—one of the most magnificent in the island—and the river continues its course to the Tamar between two high and almost perpendicular hills. Along one of these hills a wooden aqueduct is carried, which conveys water to turn a mill and supply the town. The river is crossed here by a ferry, which leads to the road down the western side of the Tamar. The view up the Esk at this place is one of the most picturesque in the colony.

South Port—a harbor on the western side of D'Entrecasteaux Channel.

Styx—a branch of the river Derwent in Buckingham.

Summerleas—a township in the parish of Kingborough and county of Buckingham.

Swansea—a township in Glamorgan on the western side of Oyster Bay, 74 miles from Hobart, and 194 from Launceston. It has a police and post station.

Tamar—a fine river in Cornwall, at the head of which stands the town of Launceston. It is navigable from its entrance to the town—about forty miles—for ships of 600 tons, and is of considerable width—in some places of three miles. At the wharves at Launceston the tide rises from twelve to fourteen feet. On the banks of the river are some good farms, and the scenery is generally picturesque.

Tasman's—a large peninsula forming the south-eastern part of the county of Pembroke. There is a smaller one, called Forrester's, between it and the main land. Tasman's

Peninsula has several fine bays, and contains some penal stations.

Tenby—a township at Spring Bay in the county of Pembroke.

Tierney—a township in the Lake River.

Trent—a small river in Devon, which falls into Bass' Strait, near Rocky Cape.

Triabunna—a village at Prossor's Bay.

Tunbridge—a town in the parish of Maxwell and county of Somerset, a few miles south of Ross, on a small stream called Blackman's River, which falls into the Macquarie.

Victoria—a village on the river Huon.

Westbury—a town in the parish of Westbury and county of Westmoreland, 140 miles from Hobart, and 20 from Launceston. It has a resident police magistrate, a postmaster, and other officers, and contains an episcopal church and school, a Roman catholic church and school, a Wesleyan chapel, and three inns. The town and district has a population of 2,842, and 420 houses. William Archer, jun., Esq., is the first member for the electoral district.

Windermere—a village on the eastern bank of the Tamar, about 15 miles from Launceston. It has an episcopal church and a mill.

Wye—a branch of the Swan Port River.

NOTES AND ERRATA.

Page 14. Black Tom, executed, was not the murderer of Mr. Osborne, but a servant of Mrs. Birch of the same name.

Page 27, for "north-east belonging," read "north-west."

Page 71, for "1839," read "1830."

Page 71, for "Oyster Bay," read "Oyster Cove."

Page 90, for "Monododo," read "Momboddo."

Page 92, for "aborigina," read "aborigine."

Note, page 101. Conditional servitude, under indentures or covenants, had from the first existed in Virginia. The servant stood to his master in the relation of a debtor bound to repay the cost of his emigration by employing his powers for the benefit of his creditors—oppression easily ensued. Men who had been transported to Virginia at the expense of £10, were sometimes sold for £40 or £50, or even for £60. The supply of white servants became a regular business, and a class of men, nick-named "spirits," used to delude young persons and idlers into embarking for America as to a land of plenty. White servants came to be a usual article of traffic. They were sold in England to be transported, and in Virginia, were resold to the highest bidder. In 1672, the average prices for five years service when due, was about £10.—*Bancroft*, vol. i. p. 175.

"The Scots, whom God delivered into your hands at Durbar, whereof sundry were sent here, we have been desirous as we could, to make their yoke easy. Such as were sick of the scurvy or other diseases, have not wanted physic and surgery. They have not been sold for slaves, to perpetual servitude, but for six, or seven, or eight years, as we do our own; and he that bought the most of them I hear, buildeth for every four of them a house, and layeth some acres of ground thereto, which he giveth them as their own, requiring them three days of the week to work for him by turns, and four days for themselves, and promises as soon as they can repay him the money laid out for them, he will set them at liberty."—*Letter to Cromwell*, by *Mathew Cotton*: *Caryle's Letters and Speeches*, vol. ii. p. 349.

Page 102. "I beseech your Majesty that I may inform that each person will be worth ten pounds, if not fifteen pounds a-piece. And, sir, if your majesty orders that as you have already designed, persons that have not suffered in the service, will run away with the booty."—*Letter from Jefferies*, Sep., 1685.

"Take all care they continue to serve for ten years at least, and that they be not permitted in any manner to redeem themselves by money or otherwise until that term be fully expired. Prepare a bill for the assembly of our colony, with such clauses as shall be necessary for this purpose."—*James II. Letters* (countersigned by Sunderland) to the Governor of Virginia, Oct., 1685.—*Bancroft*, vol. ii. p. 25.

Page 102. "Good God! where am I? In Bristol! This city it seems, claims the privilege of hanging and drawing among themselves. I find you have more need of a special commission once a month at least. The very magistrates that should be ministers of justice, fall out with one another to that degree, that they will scarcely dine together, and yet I find they can agree for their interests if there be a *kid* in the case, for I hear that kidnapping is much in request in this city. You discharge a felon or traitor, provided he will go to Mr. Alderman's plantations in the West Indies."—*Jefferies' Speech: Life of Lord Keeper Guilford*, by *Roger North*, vol. ii. p. 113.

Note, page 131. A commission was appointed to enquire into these allegations, and their report fell into the hands of the author after the account of the *Amphisite* was printed. It does not appear, that the imputations of sordid calculation were well grounded, and no bond would have been enforced for an unavoidable breach of contract.

Page 148, for "free women," read "freed women."

Page 149, for "Macarthur's New South Wales," read "Mudie's Felony."

Page 151, for "12,000," read "1,300 houses."

Page 155, for "regarded by," read "appeared to."

Page 166. Rev. S. Marsden. A pamphlet was published by Mr. Marsden, called *A Statement Relative to Illegal Punishment* (1828). A warrant to this effect was produced:—"Sitting magistrates—Henry Grattan Douglas, Esq., and Rev. S. Marsden. James Blackburn, attached to the prisoners' barracks, ordered to receive twenty-five lashes every morning until he tells who were the four men in company with him gambling." This warrant, Mr. Marsden

declared a forgery. Other charges were made of the same character, but they were refuted by Mr. Marsden. He proved his absence from the bench when sentences of torture were passed. In the text there is an apparent leaning to the charge, but there appears no fair ground to reject Mr. Marsden's refutation, which is most decisive as to his own participation in this revolting practice.

Page 189, for "real name," read "known name."

Page 271, for "primitive," read "punitiva."

Page 321, for "Report of Institutions," read "Report of Hanwell Institution."

Page 335. The long delay in the publication of this work has given time for several important changes in the aspect of convict discipline. The local government of Van Diemen's Land, resolved in November, 1850, to restore the practice of assignment, and notices for this purpose were issued.

Thus the convict was bound to serve his master according to the duration of his sentence, and to accept such wages as the convict department might sanction. The object of this change was to reconcile the settlers to the continuance of transportation, by restoring an interest and authority which the probation system subverted.

The men who had been promised comparative liberty on their arrival, complained bitterly of this change, and claimed to work as free servants with masters of their own choice. Earl Grey expressed strong disapproval of this return to a system expressly repudiated by his party, and condemned by himself, and ordered the governor to compensate the men for breach of faith. August 4, 1851; No. 156.

The discovery of gold has altered the prospects of laborers. The amazing productiveness of the gold fields has withdrawn almost all good free labor from the colony. The active convict has the means of earning large wages, or of reaching the gold fields at an expense estimated at £25, including hush money. Thus the *Gazette*, from January 6, to March 30, 1852, shows the absconding of 492, and the arrest of 254. Yet many are not reported, and are therefore not included in these lists.

The incessant agitation of the colonies has produced considerable activity in the department, and external decency is respected. The more prominent establishments—both male and female, are creditably kept, and probably the internal evils are abated; and yet what can be hoped for men who, on their discharge from detention, recognise everywhere the associations and the haunts of convictism?

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